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# East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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4 October 1984

## EAST EUROPE REPORT

### POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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BRIEF SURVEY OF RELATIONS WITH MOZAMBIQUE

Sofia RABNOTICHESKO DELO in Bulgarian 25 Aug 84 p 5

[Article: "Development of Friendly Relations: Bulgaria-Mozambique"]

[Text] On the invitation of the general secretary of the Central Committee of the Bulgarian Communist Party and president of the State Council of the Bulgarian People's Republic, Todor Zhivkov, the chairman of the FRELIMO Party and President of the People's Republic of Mozambique, Samora Moises Machel, has arrived in our country for a friendly business visit.

The friendship between the Bulgarian and Mozambican peoples began during the years of Mozambique's difficult struggle for independence. The victory of liberation opened up new horizons for developing and deepening these friendly relations. Meetings and conversations between the party and state leaders of the two countries, Comrades Todor Zhivkov and Samora Machel, give a strong stimulus to developing and deepening relations between the Bulgarian People's Republic and the FRELIMO Party, to broadening and strengthening cooperation between the Bulgarian People's Republic and the People's Republic of Mozambique in various aspects of life. The treaty on friendship and cooperation between the Bulgarian People's Republic and the People's Republic of Mozambique, signed by them in Maputo in 1978, is a document which laid the foundation for strengthening and deepening cooperation in the areas of politics, economics, and culture. The long-term program for economic cooperation and the program for coordination of planning have been successfully carried out. The combined Bulgarian-Mozambican commission on economic and scientific-technical cooperation plays an important role in its development and its greater effectiveness.

During the visit to Mozambique in July of this year made by a delegation of party and government leaders headed by Grisha Filipov, member of the Politburo of the Central Committee of the Bulgarian Communist Party and chairman of the Council of Ministers, it was noted that the two countries are devoting their efforts to carrying out the following large projects: investigation and exploitation of the graphite mines in Mozambique, supplying Bulgarian equipment and furnishing technical assistance in the exploitation of the marble mine in Montepvez, creation of a joint agricultural enterprise in the Malema region. With their tireless and highly trained

labor, the Bulgarian specialists cooperate in strengthening the economy of the young republic.

The Bulgarian people follow, with a feeling of sympathy and fighting solidarity, the struggle of the FRELIMO Party, the combant avant-garde which leads the Mozambiquan nation, to overcome tremendous difficulties occasioned by the burdensome colonial heritage and the acts by imperialist and internal counterrevolutionary forces. The Bulgarian People's Republic's aspiration to consolidate the friendship and broaden its cooperation with independent African countries arises from the Bulgarian Communist Party's principled foreign policy, from its unswerving course of proletarian internationalism. Socialist Bulgaria has demonstrated and is demonstrating its solidarity with African peoples.

Bulgarian society is convinced that the visit just begun in our country by Samora Machel, chairman of the FRELIMO Party and president of the People's Republic of Mozambique, and his conversations with Comrade Todor Zhivkov will give a new boost to friendly relations, new strength to the development of mutually beneficial cooperation, in the interests of our countries and the common struggle for peace and social progress in the world.

12334

CSO: 2200/198

ETHICAL, LEGAL PROBLEMS DISCUSSED

Sofia STURSHEL in Bulgarian 10 Aug 84 p 1

[Article by Dimitur Popov and Valentin Plamenov: "In the Lobby of a Courtroom: An Ordinary Story"]

[Text] The witness of the rape of a young girl appeared in court. When they were dragging the girl away, she had asked the witness for help. The man, who did not move a muscle to protect the girl, tells the judges that he did not understand what was going on; in general, he thought he was about to become a witness to an "ordinary story." The tears and begging for help were an "ordinary story"? We wonder what such a witness would call an "extraordinary story." Of course, no one asked him to stand up to six others. No one wanted romantic deeds, chivalrous actions, and so forth. After all, it is frightening to stand up to six hooligans. The baseness of this person, however, started when he was still far away and did not call for the police. The number can be dialed from any phone booth on the street; it is 166, no coins needed, that's all! He did not do it. And this girl has been scarred by violence for the rest of her life!

This man is not on trial. This man probably shops, goes on vacation, and fills in lottery forms every Saturday. He knows his rights and duties according to the Labor Code. In general, you could not pick him out of a crowd of people who would have protected the girl against the rapist under such circumstances. Or at least they would have called the 166 number.

This man is not only a scoundrel, dear reader. Neither is he only a coward. He has a special deformity called a lack of human feeling, a lack of the most elementary humaneness. If we were to print his name and address, he would take us to court for slander and injury by the press. It is a paradox that the law protects him, the person who does not respect the moral law of male worthiness at all. It would have been easy to certify him as mentally ill. But he is not an idiot. Well then, what is he?

A group of young men decided to have a drink one Saturday night. But mere drinking would not have sufficed when it is so sweet to brawl, and so easy too. As if the only thing one can decide to do on a nice Saturday night is to get blind drunk! Well, they have done it so many times before. However, this time one of them died after he was hit by a soda bottle. The young men

were summoned to court. You look at them: healthy, strong people. At this age they should have dreams, should love, should enjoy life! One of them is accused of murder. The jury depends on the witnesses in order to establish the truth about the murder. These brawling young lads stand in front of the judge. They feel low. Gradually, however, they feel more at ease. Smiles appear on their lips. It must have been some fun drinking. They begin to tell the story of their drinking with colorful words. And then they talk about the fight. Only you will not find any feeling in them about the loss of a human life. That is it, you will not find any, that is all!

If the witness to this murder had told so many stupid and incoherent tales not in front of a jury, but let us say about a soccer match, no one would have listened to them. The court ought to listen to them, though. The court has to establish the truth. The only truth.

The woman who said in court that the sadist who raped a young mother in a park was a "humble and peaceful man" is probably standing in line at a movie theater.

This woman cannot be put on trial. We cannot divulge her name either, unfortunately. The law remains the law. The court does not issue moral verdicts. It does not make moral judgments.

This is the reason why we are disturbed, dear reader. This is why we stand in the lobbies of courtrooms and think. We think about how many times a young woman has been insulted before our eyes and we have walked away, unmoved.

We think about the vulgar fellow who embarrasses people with his behavior on public vehicles. As far as we are concerned, we are in a hurry to get off at our stop and avoid arguments, because anything can happen.

We think about indifference. About the fact that the value of conscience is not written on everyone's forehead.

What does concern us as citizens, as people, and what does not?

What is the power of specialists and legal institutions, and what is our own duty as citizens?

What does it matter that hooligans, bullies, and such lawbreakers are only isolated individuals?

Whoever displays indifference in the face of moral laws becomes an isolated individual! What is more--a very dangerous individual!

12334

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CERTAIN SOCIAL INJUSTICES EXPOSED

Sofia OTECHESTVEN FRONT in Bulgarian 17 Aug 84 p 4

[Article by Nikolay Bankov: "The Workers' Collective: Defender or Prosecutor?"]

[Text] When I was still a lawyer on probation, I participated, together with my supervisor, in a murder case, which ended with a verdict of not guilty for the defendant. You can imagine the enthusiasm of my 25 years back then. A few months later, now as a fully licensed lawyer, I was given my first case, which turned out to be a labor dispute. I accepted it with a frown; after all, "lions" do not deal with such cases. My client was a crushed little fellow who had gotten used to 20 years of obedience. He was a member of the trade union committee. Once, however, he had committed an act of self-will: he had spoken out at a meeting, and it was not included in the record. His comrades were astounded and thrilled and they applauded him: they felt warm when they saw the splendor of a knight in shining armor under the familiar guise of someone they knew. There was only one consequence: they fired him. The order was drawn up according to the rules. And as far as I am concerned, I got my first lesson: there are no big or small cases.

Several workers came to the courtroom as witnesses. They were members of that rare species of highly qualified and disciplined technicians who are respected by young engineers, as professional masters ought to be. Their attitude drained a good deal of self-confident air from university balloons. They spoke in a well-grounded, ardent way, aware that their boss' eyes radiated the promise of reward.

I pleaded with enthusiasm. The case became a decisive one for me. I was affirming my professional consciousness in front of the entire workers' collective! The firing was revoked.

Were we jubilant? We celebrated our failure: the leadership did not want to implement the court's decision. And even after this man was rehired, not too long afterward he was laid off "because of exigency" and rehired "at his own request" at another convenient place, allowing him to retain his imaginary position at the trade union committee. This "convenient" job

did not suit his training and he quit, with all the ensuing consequences.

In each subsequent "labor case" I confronted the same difficulties. Super-busy bosses always found the time to appear in court for such cases, to crush any hint of audacity on the part of witnesses by their presence. There were times when I was told, either verbally or through hints, that "they would fix my wagon." A transportation chief put a ban on my rental of trucks when I was building a house because I had defended a pregnant dispatcher . . .

I know what it means to fall overboard. To be on the point of drowning, looking up at the deck where all your colleagues are standing with expressionless faces, firmly grasping their life preservers, lest the wind sweep them away, too . . . When you reach the shore you do not know where to go . . . Only the person who had experienced this knows the utter hopelessness of this situation. The higher the training and education, the rarer is the possibility for realizing one's goal a second time. To be sure, there is no unemployment--a laid-off construction worker will find a position immediately. Workers in material production are almost wooed. A scientific worker, an artist, an editor, a lawyer, a surgeon, a specialist with a higher education who has "grown up" at his workplace and mastered the intricacies of his profession, however, are not consoled by the prospect of being "retrained," no matter where. (Not all of us have the high spirits of an Ostap Bender, who waves good-bye to his dreams, sighing only: "Well, I did not become the Count of Monte Cristo, so I'll have to be retrained as a landlord.")

As far as we, the men of the law, are concerned, we do not overlook labor disputes. On the contrary, justice can be obtained only in court. All court charges are free to the plaintiff. There should be no room for underestimation. Labor cases are like criminal cases: sometimes a person's destiny is decided for a whole lifetime. For example, an assistant professor who is fired and loses his suit sometimes loses his whole future as a professor, although he had prepared for this profession over the course of many years.

Of course, it should be kept in mind that a large percentage of orders to fire and lay off are well founded and conform to production needs as well as social prospects. Those fired are most often simply good for nothing; they are the people who lack elementary labor discipline.

Those accused of wrongdoing enjoy the democratic principle that a "defendant is innocent until proven guilty." However, in labor cases it sometimes happens that the opposite is true: the person fired is accused by administrative order. He has to prove his innocence himself. The other side is invulnerable . . . It is hard to find proof against it. Who is going to have the courage to be a witness? My practice proves that audacity goes in inverse proportion to the official position. That is why I will always envy workers' solidarity.

The new labor code will provide more guarantees for court protection of legal labor relations. Until then, there is still more to be improved. It should be kept in mind that future justice for someone who has unjustly lost his job has no value at all. It is like trying to console those dying of cancer that the mortality rate will be reduced in a few years . . . It is too late to cut away the roots of bureaucratic crabgrass. But we do not see that sometimes seedlings are indiscriminately pulled up, whereas crabgrass is left to grow in administrative offices . . . Such cases, although rare, are dangerous at the sociopsychological level, because they engender a spirit of spying, slandering, and calumny within the collectives.

They blame the courts of law for forgetting that arbitration committees have administered justice beforehand. The members of these extralegal staffs easily soothe their consciences: "You know, brother, what can I do, it's no use kicking up a fuss, don't be afraid, go ahead and appeal to the court, they will acquit you, but here, . . . well, the boss will be after me tomorrow." Thus, an important authority is turned into some conciliatory link which merely prepares the papers for the courts. Arbitration committees act effectively at large material production sites which have strong workers' collectives.

That is why I proposed the following:

Bring the workers' collective into the dispute, whether the brigade, the unit, administration, scientific council, or consultants. The criminal procedure code offers such a possibility for social organizations to single out public prosecutors or public defenders in the criminal process. Each case of a person being fired or laid off should be committed to collective responsibility and collegial conscience. If the plaintiff is a good-for-nothing, undisciplined, or harmful to the common cause, social steadfastness should be raised against his underhanded dealings. If he has been unjustly injured, he should be protected. Then the collective itself will prune away the good-for-nothing branches, the rotten ones. Public prosecutors and public defenders can act even before the arbitration committees so that they can awaken an authority at the beginning of its slumber before jumping over and knocking at the temple of Themis.

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#### Editorial Comment

The question of labor disputes has been controversial for a long time. As the article published has made clear, our laws provide good opportunities for workers to stand up for their rights in the case of an unjust firing or sanction. It seems, though, that these opportunities are not being used in the most effective way.

The article emphasizes the psychological circumstances which are created in the collective during the labor dispute. Our editorial staff feels

the obligation to add the following to the picture: from 1979 to 1982, arbitration committees have upheld about two-thirds of the complaints. Thus, the first conclusion we can draw is that the activity of the arbitration committees is useful and is carried out worthily in most of the cases. But what about the second conclusion? Enterprises issue too many unlawful disciplinary penalties. The reasons for this can be found in the insufficient legal training of the leaders, in their partiality, in the fallacy sometimes observed that they can be the unhampered master's of their workers' labor destiny. A more careful understanding of the arbitration committees' decisions and those of the courts leads to the conclusion that every other termination is illegal. It is not accidental that the concept of the new labor code points out that it is abnormal that during the last 3 years, over 30,000 cases have been started under this pretext. The total number of labor disputes for the same period of 3 years is over 100,000.

An unjust lay-off order has psychological and material consequences for the person and for society. During the 3-year period, 15,000 people have been forced into unemployment for a certain period of time; not only have they produced nothing, they have received unemployment benefits. It turns out that the enterprise and the whole workers' collective pays for the leader's mistakes with their wage fund.

Among the questions which ought to be resolved in the new labor code being prepared right now, the problem of the 7-day period in which the arbitration committee must make a decision about the dispute should be obligatorily discussed. This is a minimal and unrealistic period for truly in-depth study of the case, taking into consideration the common practice that the person who has received the punishment is supposed to gather proof of his innocence all by himself.

12334  
CSO: 2200/197

## DECISION ON HOUSING FOR YOUNG COUPLES PRAISED

Sofia POGLED in Bulgarian 20 Aug 84 p 2

[Text]

[Editorial] Decree No 40 of the Council of Ministers on 27 July of this year is an important fact in our life. And the fact that it appeared in the heat of summer gives us no basis for looking at it in a vacation kind of mood. Born of serious state investigations, of recognized social needs, it stimulates important thoughts, beginning first of all with the development of the measures announced by our state during April. In other words, even such a large-scale decree as the April one is now being fulfilled and developed with a new decree--a home for each young Bulgarian family. A whole complex of government decisions is devoted to it; they suggest that no one should have any illusions about the complexity of the problem and especially about its significance for our demographic development. Looked at more broadly, it means that despite all the difficulties which fill our world today, the December Program will inevitably be carried out. Attention is focused in a planned way on questions that have not been resolved, ways of solving them, whether radical or gradual, are being sought.

The main quality of this decree is its categoricalness. It is stated extremely clearly and decreed with all possible state responsibility that each young family is entitled to a two-room apartment, which must be given them before 1 year has elapsed since the date of their wedding. At the same time, after the birth of the third child, a young family is entitled to receive a three-room apartment. Incidentally, the very concept of being a newlywed is being corrected, with the age limit rising by 5 years, from under 30 to 35 for the age of one of the spouses. Two basic problems are being solved in this way: living space for young couples and the time period of the guarantee for them to receive it. Taken together, these features introduce complete clarity into young families' prospects here to have their own home according to single, good, contemporary requirements. This is the essence of the resolution which we have been waiting for. Compared with previous norms, the new resolution is substantial progress, for it is well known that regulations have stipulated the right to a one-room apartment for a young family, without the possibility of buying it. Things are being corrected with these well-meaning changes in the conditions for categorizing those in need.

The very guarantees of the decree are also totally clear. The fund for young newlywed families is being increased; whereas it previously included 10 percent, it will now cover 25 percent of new housing constructed. The same percentage will also be set aside for signing up in housing construction cooperatives. Simultaneously, the general housing fund will also be tapped. For the first time, such essential procedural questions about internal-family housing exchanges have been decided in an unambiguous way. This will make the method of regulating housing problems easier, by combining civil initiative with state assistance.

As can be seen, everything here is concrete, accurate, thought-out, and calculated. Interpretations and applications of the decree also cannot be other than those stipulated. And now it is time to remind ourselves that such a real and essential measure is possible only as the result of common efforts, of the increasing strength of our social policy, of those efforts that are being applied to the work on the housing construction front. This is, incidentally, the great lesson of Decree No 40: the concentration of efforts toward solving a single, appropriate problem will be successful when we rely on the efforts in all other directions in a corresponding, proportional way, in all sectors of our life. This is how the state looks at these problems. This is how they solve them. This is what should be recognized as our duty as citizens!

12334

CSO: 2200/197

COMMENTS ON NEW FAMILY CODE

Draft for New Code

Sofia RABOTNICHESKO DELO in Bulgarian 22 Aug 84 p 1

[Text]

[Editorial] Caring about human beings, about the well-being of every citizen of the Bulgarian People's Republic, is the cornerstone on which our party builds its entire policy. Economic development, international relations, the making of laws, etc., is all directed toward raising the living standard of the people, toward improving socialist interrelations, toward building a new type of nation. The draft of a new Family Code, published for public discussion, is part of a series of legislative acts adopted during recent years whose purpose is to expand and strengthen the legal basis of our society. Because the family is the basic building block in this society, its strength guarantees society's strength, the present and future of our nation.

The draft submitted for discussion is the result of almost 2 years of work by eminent specialists on family law and discussions at different levels of management. It includes all the corrections that practice has required since the enforcement of the first Family Code in 1968; experience gained from its application has been used, the shortcomings that appeared have been eliminated. It reflects progressive changes that have occurred in our society during the recent period. At the same time, the code does project into the future because it defines the nature of the family for years to come.

The goal of the proposal is first of all to protect and strengthen the family even more, to promote its role in the development of individuals and in bringing up the young generation to a higher level. Social and personal interests should be combined harmoniously in a family; that is why a socialist society strives to create conditions for establishing family relations that not only correspond to the present stage of our socialist development, but that also can contribute to the further improvement of our society.

Material and spiritual equality between a man and a woman, their union of free will, their agreement on personal growth with common effort and work, on creating, raising, and bringing up the young generation, are the basic

principles on which a new socialist family is built.

Legislators have devoted special attention to protecting the interests of children and of the single parent, to whom society entrusts the responsibility for raising and bringing them up.

The new Family Code, submitted to national discussion, together with the decree on the further fulfillment of the party's December Program for raising the living standards of the people, and the recent essential amendments and supplements to it, have the particularly important task of creating stability in marriage, of providing optimal conditions for the nation's reproduction, for giving birth to and raising more children. The idea of a large family is an old national tradition which should be reborn and re-established for the sake of the future, during this time of material well-being.

The discussion of the draft for a Family Code is a new expression of the expanding, direct democracy in our country; it is a practical application of the People's Referendum Law, that was adopted last year. This is why, in total compliance with its formulations, the problems of creating, preserving, and developing a family, which concern each citizen of our country, will be discussed by the whole nation. Everyone has the right to express his or her own opinion, considerations, and recommendations for improving this document, which is important to our society. The collective mind of the people will determine, in the best possible way, the regulations for building our socialist family, on which to a great extent the future of our nation depends.

The organization of the discussion has been assigned to the National Council of the Fatherland Front, with the participation of other social organizations. This discussion depends on them for the comprehensiveness, for its broad application in educational activity in villages and residential areas, for promoting the role of the family, for creating socialist interactions within the latter.

RABOTNICHESKO DELO, as it has always done in such cases, will allocate significant space on its pages for opinions, suggestions, and recommendations made by its readers and all citizens who would like to participate in the discussion. The newspaper will present these suggestions on its own behalf to the Legislative Committee of the National Assembly, so that they may be evaluated in a competent way and taken into consideration during the final editing of the code.

Beginning today, and until the end of November of this year, the collective national wisdom will determine the regulations, based on traditions and the contemporary concept of a socialist family, according to which families will grow and reproduce, young generations will be raised, and the new socialist morality will be strengthened for many years to come. Thus the norms of behavior in the family will become the norms of behavior for the



whole society. The project of a new Family Code is a rich basis for thinking and for drawing concrete conclusions and directions for the future of our socialist nation.

#### Minister of Justice Comments

Sofia RABOTNICHESKO DELO in Bulgarian 22 Aug 84 p 2

[Article by Svetla Daskalova, minister of justice: "Worthy of Our Time"]

[Text] The draft of a new Family Code was created during the process of general renovation of our socialist legislation, directed toward even more thorough compliance with the conditions at the present stage and improving its socialist effectiveness for building a mature socialist society. Fifteen years have passed since the promulgation of the Family Code in 1968. During this period, the 1971 Constitution, which offered a more perfected legal interpretation of some basic principles of family law, was adopted. Family relations at the present stage are founded on a more developed economic base, which creates conditions for improving the well-being of the people and their spiritual and cultural growth. They are imbued to a great degree by socialist legal and moral principles, which characterize the socialist way of life. These undoubted results should be confirmed by legislation, they need a boost in their future upward development. Families now face new, higher standards for raising children, for bringing them up in a communist spirit, for providing opportunities for each family member to develop multilateral interests and develop his capacities, as well as conditions for successful fulfillment of his own labor and social obligations. These high standards ought to be given legal form as well. In addition, while applying the Family Code, some gaps and weaknesses have been discovered. Legal practice has developed reasonable and constructive decisions in the especially delicate area of family legal relations, which should be consolidated in a normative way. Sociological studies have also suggested some necessary changes in the existing status of family legal relations.

These circumstances condition the establishment of a new Family Code.

The whole policy of the Bulgarian Communist Party is an expression of profound recognition of the family's role in strengthening socialist society and it is directed toward creating optimal conditions for the development of the socialist personality and the family as a whole. The problem of increasing the birth rate, of creating better conditions for combining motherhood with a woman's active participation in labor and social activities, of absorbing a greater and greater portion of supportive expenses for the young generation by society, and applying systematic concern for young couples were the object of special attention at the 12th Congress of the Bulgarian Communist Party.

The party has always ascribed significance to legalizing procedures. This is why the task of developing a new Family Code that reflects the achievements in family legal relations and that could be a solid base for accomplishing

the family's moral uplifting in the future has been assigned with special care and attention.

The draft of a new Family Code marks a new stage in the legal regulation of family relations in several important areas.

It serves reproduction, but also the significant perfection of the aims and principles thus far accepted with respect to family relations, relationships between spouses and between parents and children. It demonstrates for the first time specifically that the Family Code aims at providing for overall personal development and the feeling of responsibility before one's family and society. The humane function of the socialist family, which consists of caring for and supporting the elderly, the ill, and disabled members of the family, morally and materially, has been regulated. The Code points out that relationships between spouses are founded on the basis of mutual respect, understanding, and faithfulness. The obligation of grown-up children to care for their elderly or ill parents has been legally regulated.

The project is pervaded with concern for establishing strong families and for reducing divorce, which is a phenomenon that traumatizes spouses, children, and society. It was learned that a reason for a large number of divorces is the lack of seriousness when entering marriage and the conviction that it can be easily broken off with a divorce. According to the project, a marriage will be concluded no earlier than 30 days after application at the communal people's council or city council, and requests for divorce by mutual consent will not be accepted until a 4-year period has elapsed. The project gives necessary significance to the guilty party for the deep and irreparable disruption of a marriage. A divorce would not be granted if it is caused only by the guilty behavior of the plaintiff, if the other spouse persists in preserving the marriage, unless important circumstances necessitate that a divorce be granted. The guilty party in a divorce acquires decisive significance in the dispute over who is going to keep the family apartment and is an absolute obstacle in granting any support allowance to a guilty spouse. The court will send a copy of the resolution to the workers' collective at the workplace or to the social organization at the place of residence in order to exercise public influence.

The nature of the relationship, in terms of the possessions shared by the spouses, is being improved. The common family possessions are maintained on the basis of the items acquired during the marriage and the rights on these items; savings accounts also become subject to common property. The project connects the nature of common property not only from the moment of acquisition, but most of all to the joint contribution of both spouses. This contribution is assumed until the opposite is proved. Items, rights to items, and monetary savings acquired prior to the marriage or during the marriage as an inheritance, gift, and now rewards too, remain, as they are now, personal possessions. The total and partial transformation of personal possessions is regulated. A revolution, by law, of bequests

from one of the spouses to the benefit of the other is anticipated if their marriage is ended by a divorce. The possibility of revoking, by request or claim, possessions of significant value donated by one of the spouses or his/her relatives during the marriage or related to the marriage is introduced, unless the revocation is in contradiction with socialist morality.

The draft of a new Family Code preserves the traditions of our nation. The relationships of love and respect between grandchildren and their grandparents is legally affirmed. The grandchild's obligation to help grandparents is established in the spirit of socialist humanism. Grandparents are given the right of personal relationships with minor grandchildren, and in the case of a hinderance, court protection of their right is forseen. A new, essential, and important right of grandparents is the possibility of adopting a grandchild born out of wedlock, or if both parents have died, or if the surviving parent does not care for the child, or raises it in a way that is detrimental to the child's development. This adoption aims at providing for normal development of grandchildren in a family atmosphere.

The national discussion of the draft for a new Family Code is now starting. It should become a widespread social discussion about the role of the Bulgarian family in a mature socialist society, the party's and state's concern for strengthening it and increasing the responsibility for the nation's reproduction and the communist education of coming generations.

The ordinances of the Family Code concern all members of our society. This requires a particularly lofty conscience of the citizen and social activity in order to create, with common efforts, a Family Code that is worthy of our time and beautiful people.

#### Lawyer Gives Opinion

Sofia RABOTNICHESKO DELO in Bulgarian 22 Aug 84 p 2

[Article by Angel Gyaurov, president of the okrug council of the Lawyers Union in Pzardzhik: "The Legal Organization is Improved"]

[Text] As a lawyer, I am satisfied with the new, improved legal organization of family and marital relationships and with the broad opportunities opened up to the workers' collectives, social organizations, and all citizens to express their opinions on the draft.

The draft offers new formulations of the conditions for granting a divorce, it engages society and the workers' collective in exercising social influence over spouses guilty of breaking up a marriage. It has come up with a successful legal resolution of the question of spouses' rights to possessions acquired by them during the marriage. Personal interests are combined with the smallest of social collectives, the family.

At the beginning of the project, in contrast to the family code now in existence, the goals and principles of the code are pointed out; these correspond to the conditions and requirements of a mature socialist society.

PEACE OFFICIAL QUESTIONS NEED FOR SS-22, SS-23 MISSILES

Amsterdam DE WAARHEID in Dutch 24 Aug 84 p 8

[Article by Wera de Lange: "GDR Peace Official: 'I Don't See the Sense of Our Counter-Basing Either'"; passages enclosed in slantlines in boldface]

[Text] Whenever a "peace official" from the GDR concedes that he really doesn't see the sense in basing SS-22 and SS-23 missiles on GDR territory, that's really saying something. Such an "official" spoke out in the most recent, fascinating issue of OOST-EUROPA VERKENNINGEN.\* His--doubtlessly well-considered--"out-pourings" go rather far: /"The military sense of our counter-basing escapes me. It is even the case that one of our military experts, whom I asked about this, was also unable to give the answer,"/ says Carl Ordnung, GDR politician and president of the East German branch of the Christian Peace Conference, an organization that usually toes the line.

In the interview, Ordnung concedes that, speaking from a military viewpoint, the new semi-medium-range nuclear missiles in the GDR and Czechoslovakia--the "answer" to the basings in West Europe--are no answer at all. All declarations of no-first-use to the contrary, the sole function of these weapons is to deliver a "first strike". If the Pershing IIs in the Federal Republic are ever launched, the missiles in the GDR and Czechoslovakia can be tossed in the scrap-heap, just like the rest of Europe, for that matter.

Spontaneous

The GDR leadership is not at all happy with the new missiles. Even in Czechoslovakia, there were protests at the start. /"No cheering,"/ said GDR leader Honecker when the "counter-basing" was announced in the fall of '83. This was the beginning of a fierce war of words in the party papers in Moscow and East Berlin, a fight that has revived to such an extent in the past weeks that digging through these papers has become almost a pleasure.

Carl Ordnung goes even further. Asked what he thinks of the Soviet standpoint that negotiations can be resumed only when the currently based Pershing II and

\*This article is based on interviews in OOST-EUROPA VERKENNINGEN, number 73, which can be ordered from Werkgroep Oost-Europe Projecten, Nachtgaalstraat 77 bis, 3581 AE Utrecht, 030-314318. The cost is 7.25 guilders per individual issue.

Cruise missiles have been withdrawn from West Europe, he replies curtly: /"I doubt that that option is feasible."/

The unexpected willfulness of Honecker and his people is not /exclusively/ a matter of the explanations advanced by the established East Europe experts: differences of opinion and power struggles in Moscow, the GDR's economic independence from the West, Honecker's strengthened position. However important all this is, the flourishing anti-nuclear-weapon sentiment in the GDR itself belongs on the list as well. A product of the hard and risky work of the independent peace movement.

A petition drive among GDR citizens to demonstrate support for the "counter-basing" was halted. Because, for the first time, large numbers of people refused to sign, despite the risks, says Roland Jahn, one of the independent peace activists thrown out of the GDR. Carl Ordnung has another version of the story. The drive was stopped because the authorities themselves were not enthusiastic about the "counter-basing".

#### Decree

Up to now, the independent peace movement has not profited from Honecker's peace policy. Ulrike Reich, a member of one of East Berlin's "peace rings", talks about this. On 16 May, a new decree was published that forbids wearing symbols ("plowshares, not swords"), as well as holding public or closed meetings that "harm the interests of society." Effective that day, distributing peace petitions can punished by a fine of 500 marks (or by a prison sentence of more than a year, as recently happened to a peace activist).

Roland Jahn and Ulrike Reich have every reason to take a sceptical and cautious stance towards the peace policy of the GDR leaders. About this, too, Carl Ordnung, an entirely different sort of "peace activist", says some surprising things. He recognizes that his own Peace Conference and the non-Christian, more influential Peace Council have missed the boat so far.

#### Old Men

The younger people who don't outright believe the slogan "To work for socialism is to work for peace" are somehow right, he says. /"The problem is that we have always said that, whether or not peace was coming any closer."/ These younger people, who are now going into action themselves, are being approached with too much hostility and with too little understanding, believes Ordnung. But it will probably still take some time before the top ranks of the ruling SED party permit themselves to loosen the reins in that field as well.

This is even more true of Czechoslovakia, on which subject Jiri Hajek, former minister of foreign affairs during the Prague Spring and cofounder of the Charta '77 opposition movement, speaks out in VERKENNEN. A fascinating conversation about the vacillating reactions to the "counter-basing" coming from the party leadership and about the undisguisedly averse reactions at factory meetings. A petition against the counter-basing received an unexpected amount of support, namely in the city of Brno where dozens of schoolchildren were active. Whole classes are said to have signed.

/"It is interesting now that these young people have taken this risk and have revealed their desire for an independent expression of their views on social and political problems. Maybe this is being done a bit too emotionally and simplistically sometimes. These younger people have had little or no political experience. Often they have a very sketchy picture of 1968; they see us Charta people as old men who were beaten sixteen years ago. But they are taking a position. This gives us hope that a new democratic culture can arise in this country, even if it will probably take a long time,"/ says Hajek.

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CSO: 3614/121

## COMMISSION EMPOWERED TO VERIFY ELECTION RESULTS

Warsaw RZECZPOSPOLITA in Polish 24 Aug 84 pp 1,2

[Article by Krystyna Chrupkova]

[Text] In a few days' time--on 29 August 1984--the Supreme Court will consider the protests of citizens concerning the elections to the people's councils held on 17 June 1984. For the first time in PRL history such a procedure was provided by the electoral law governing elections to people's councils.

Thus, there is no previous experience in this respect. Therefore, our RZECZPOSPOLITA reporter asked Wacław Sutkowski, president of the Civil and Administrative Chamber of the Supreme Court, to explain how these matters will be actually considered.

[Sutkowski] As a matter of fact, it is only the new electoral law governing the elections to people's councils that provided the possibility of a protest by voters against the election of a councilman or the validity of elections, if the electoral law was broken or if its regulations were violated. Such protests are brought before the State Electoral Commission within 7 days of the date of the publication of the results of the election in the Provincial Official Gazette. This commission sets the 7-day time within which electors must present substantiation of the charges brought in the protest. After this time, [the commission] puts the whole matter before the Supreme Court and at the same time informs the prosecutor general of the PRL.

The procedure thus defined by the law means that if the protest was lodged in due time it must surely get to the Supreme Court. For the State Electoral Commission does not perform any essential appraisal of the motion and does not have a say as to its justness, only sees to its compliance with the time-limit.

As of 23 August the State Electoral Commission had turned over 12 protests to the Supreme Court. In 10 cases, the election of a specific person was questioned. Thus they amount to objections on the grounds of personal qualifications. For example, it is maintained that the candidate did not

participate in the pre-election meetings or that his moral and ethical standards are questionable as a result of which the councilman will not properly exercise his function. The remaining two protests relate not to persons but to the elections themselves, in which the numerical vote count is questioned.

On 29 August the Supreme Court will hear nine protests, while the remaining three protests which reached the Court only recently, will be heard at a later date.

Those nine cases will be heard by three judges in public session and nonlitigious procedure. The session will begin with a hearing for the prosecutor and the interested persons if they come to the session. All the authors of the protests have been notified as to the date of the hearing of the cases brought in by them, but their nonappearance in court will not deter the course of the proceedings.

From a procedural viewpoint the most interesting is probably the fact that the Supreme Court itself will have to gather evidence, since the citizen who lodges the protest has no such capability, or a very limited one. The court, therefore, will administer the admission of each piece of evidence (for example, from testimony of witnesses) necessary to establish the objective truth. In this case the point is only to ascertain whether the protest is justified or unfounded.

The final decision can be only one of two: the court will either dismiss the protest if it finds it to be unfounded, or will invalidate the elections in toto or in part, in the given electoral district, if it finds that the protest was justified. In the latter case the court will at the same time indicate how the new electoral proceeding should begin.

The final stage of the matter, in the case of the invalidation of the elections by the Supreme Court, would be the ordering of the new elections by the State Council, within 14 days from the date of the Supreme Court decision.

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## VESTIGES OF 'MONOCENTRIC' MODEL PERPETUATE ECONOMIC STAGNATION

Warsaw GOSPODARKA PLANOWA in Polish No 3, Mar 84 pp 119-125

[Article by Jan M. Szymanski: "Functionality and Dysfunction of Socialist Economic Structure; footnotes appended at end of article]

[Text] Ludwig von Bertalanffy described man as an animal who created symbols, who oriented himself in the world and communicated with others using symbols, and who lived and died and gave death and suffering to others through the use of symbols<sup>1</sup>. Symbols are psychological vehicles of value, and values are not logically verified and are in this sense irrational, because they express what is called the second degree of regulation. They are different from and sometimes compete with third-degree regulation, regulation through logical-linguistic prediction<sup>2</sup>.

If we look at the world from this point of view, it is difficult not to agree with the creator of the general theory of systems.<sup>3</sup> Irrational symbols cause conflicts not only in societies dominated by tribal and religious phantasms but also in civilized societies. One of the great Polish socialists from the end of the 19th century and the beginning of the 20th, later, now a man of some experience, wrote in the sad hours of the Nazi occupation that society "the further it gets from democracy, the more it sets itself on nationalism, militarism, and totalitarianism, and the more it uses force and physical power, the more its culture regresses, the more its sense of morality regresses, and the more human beings fall into poverty and servitude and suffering in the name of happy, great phrases and remote ideas: 'state,' 'church,' society,' 'class,' and 'nation.'"<sup>4</sup>

The ideological current in the sentence cited should not overshadow the broader psychosociological and therefore "natural" nature of the phenomenon. This is the phenomenon of making goals instruments, or of replacing ends with methods in the human mentality. From the logical point of view this is undoubtedly an error, a deviation, but it is a deviation conditioned by our phylogenetically shaped biological structure and the psychological structure based on it. Hence, we should not be surprised by the hypothesis that in the context of the economic reform we have been fighting for some time not over goals but over methods. Demythologizing this fact is the first step on the road of applying a systematic approach.

Somewhere in our memory we lost track of the common distinction of the 1970's between the system of an extensive economy and an intensive one under socialism. This distinction has been replaced by the society consciously taking part in economic life with contrasts in self-regulation concepts, that is, indirect control methods, the old notion of direct steering under the current title of administrative or directive-order methods. After all, though, indirect steering methods and direct steering methods, like all things, can be used to serve opposing goals, in that they are merely methods.

The above-mentioned mistake of goal instrumentalization inevitably leads to the mistake of absolutization of methods, because if we merely contrast one method to another and ascribe to it the value of universality, then we make an absolute of it. With disarming, admirable candidness, one economist described the situation as a game "between two administrative philosophies, command-planning philosophy and market-parameter philosophy," and on this basis he defined the economic reform as a shift from one management philosophy to another. This creates the impression of a folk dance in Wyspian-ski's "The Wedding."<sup>5</sup>

Extremes in thinking lead to extremes in action. "Extreme solutions are being introduced in our country, like absurd centralization or else decentralization that does not hang together. We either build the biggest something-or-other in Europe or put a freeze on investment altogether."<sup>6</sup>

I want to say -- I will try to illustrate this statement further on in the article -- that no economic system can exist that is controlled exclusively through administrative means entirely free of any self-regulation. Of course such a system can exist in the psychological and symbolic sphere, as Lejzorek Rojtszawaniec could say, multiplying nonexistent rabbits in the reporting statistics. It is similarly difficult to imagine a modern national economy of at least medium size based on self-regulating without any component at all of direct control. Economic steering methods cannot be universal. Their suitability is made relative to a given hierarchy of goals.

We need to demythologize not only the absolutization of methods but also their ideologizing. I am familiar with many practicing economists whom for a number of reasons I should treat seriously but who sometimes consciously and certainly always unconsciously associate administrative methods with socialism and identify self-regulation with capitalism. For this reason they often treat some postulates of the economic reform almost as though they were ideological treachery. The fact is that during the 1920's history's first system of a monocentrically controlled economy was built up in the Soviet Union with a predominant emphasis on administrative methods and that we adopted the principles of this system after World War II. It is also a fact that this system was suitable in a situation where there was a low level of productive forces, such as the destruction of war, and where there was not great technological culture in the society, a factor which also worked to the advantage of that particular system. Marxist theory defines production relations as the static framework for naturally dynamic production forces. Hence it is logical to conclude that the development of production forces is bound to force modifications in this structure under the conditions of socialism too.

On the other hand we know that the development of the hierarchical system is equivalent to the rise in the level of control and therefore the rise of self-regulation, and this on many levels. The very concept of self-regulation assumes the existence of at least two levels of control. Therefore the adaptation of self-regulation methods created by capitalism is not any arbitrary manifestation but an essential condition to the development of the socialist economy, an essential condition but not a sufficient one, because you also need the processes of self-regulation and direct regulation to work in the whole overall process of monocentric steering, which is one of the distinctive features of a socialist economy.

The psychosociological process of setting up the instrumentalization of goals is facilitated by the fact that within the hierarchical system the concept of the goal and method are relativized to a given level of control. Passing from a higher level in the hierarchical decision-making system to a lower one one passes from "goals" to "methods." This is why the key to identifying the system of a socialist economy as a social system of action is to identify the basic goals of the system. Goals identification is a logical equivalent to "defining initial conditions" in quantitatively formulated problems.

Among eminent representatives of modern economic theory there is basic agreement as to the noneconomic conditions of any economic system expressed by one system of values or another. Schumacher calls the economy "a derivative of metaeconomics," adding that if this "metaeconomy" changes its content, the economic system changes to fit.<sup>7</sup> Galbraith formulates this same idea somewhat differently, saying that the economy is based on the "beliefs" of the society to which it is immanent and defines this "system of beliefs" of modern capitalism as "the conviction that good fortune is a derivative of the amount of goods and services consumed."<sup>8</sup> Like many famous representatives of modern nonmarxist economics,<sup>9</sup> both of these authors are free of any delusions as to the historical limitedness of the value system of contemporary capitalism, which Schumacher allegorically refers to as "the last night of the ball."<sup>10</sup>

The noneconomic conditioning factors of the socialist economy are known to us from the writings of Marxist classics and, as Engels puts it, boil down to freeing man from the bonds of social relations, or to freeing him to realize the ideal of being fully human, as formulated for the first time during the Renaissance in the civilization of the European world. As a condition for man's multilateral development, this ideal is in competition with the narrower material-consumption ideal of contemporary capitalism, which is also contrasted to great religious systems, like Christianity, Islam, and Buddhism. It is against this backdrop that in various parts of the world the representatives of Marxist materialism find they speak a common language with representatives of different religions.

This goal is to be served by taking from the development of production forces those restrictions which the capitalist system imposes. To put it into the language of modern science, it is a question of shifting to a higher level of self-organization of society by introducing those changes essential to the

removal of any sort of manifestation of adverse synergy and maximizing the effects of positive synergy. To put it in still other terms, this means striving to integrate elements of the economic life of humanity by relating them in a hierarchical system in such a way that the effectiveness of all subsystems is fully utilized and the manifestation of any negative effects like mutual self-destruction or waste are eliminated. This then is a call for conscious human liberation of the effect of the spontaneous self-organization of nature while at the same time we cross the threshold that the second principle of thermodynamics designates as self-organization in nature, because self-organization in nature appears cyclically after periods of mortality and hence bears the characteristics of a symmetrical reversible process, while civilization development is irreversible and asymmetrical.

The intellectual tradition which comes from the Marxist classics and defines the conditions for the transition from a capitalist system to a socialist one on the level of value systems, could be summed up in four postulates: monocentric control of the economy (1) and the postulate that follows from it to get rid of private ownership (2). Guarantees against system distortions are contained in the postulate for economic self-government by the world of labor (3). The greatest misunderstanding has to do with the problematics of the structure of the economic system of socialism (4), which is the most open and disputable issue.

Attempts to reduce these matters to merely accomplishing the first two of these postulates have already proved unsuccessful. Stanislaw Ossowski, the famous sociologist who died before his time, put it this way at the conclusion of his comprehensive analysis: "If the socialization of the means of large-scale production is an essential condition to such a system of human relations, it still is not a sufficient condition."<sup>11</sup> The matter of the employee self-government is a separate issue. In this article I should like to limit my remarks to the question of the structure of the socialist economy.

As the classic writers have emphasized many times, Marxism stands decidedly on the side of relativizing structures in terms of goals. This issue and this attitude to it can be seen in Lenin's 1905 writings. Oskar Lange wrote on this as follows: "The economic structure of a socialist society is only a means of realizing that way of life and therefore can be adapted to changing circumstances. The very fact that in the organization of society socialism uses scientific principles means that the economic structure of the socialist society must have what I call an experimental nature and be subject to alterations and improvements."<sup>12</sup>

These words appeared in print for the first time in 1938. Since then there has been nearly half a century of experience in building socialism, a mine of information which we are gradually and boldly beginning only now to use. Hence we have historical perspective which is several decades longer. Besides, as the result of the general methodological development of scientific thinking, we are becoming increasingly aware of the significance of structures and their functionally and historically conditioned limitation. This makes it possible to view the problem in depth and at the same time to broaden the historical perspective, because we will find the roots of modern socialism in the social

thought and events of the 18th century, inasmuch as the concept of socialism was shaped during the 19th century on the basis of 18th-Century rationalist and humanitarian concepts.

Eighteenth-century materialist philosophy assumed that man was rational and also that consistent with man's nature what is rational is humanitarian, and conversely that what is irrational is nonhumanitarian. In keeping with this paradigm the great French Revolution of 1789 brought the idea of replacing the "irrational" absolutist monarchy with "rational" social order, which was to incorporate into life the ideals of liberty, equality, and fraternity.

It was just about a century and a half ago that Western Europe underwent the disillusionment of the first attempt to involve man in the spontaneous development of social structures. In place of the idealized rational and humanitarian society of the "common republic," real capitalism came into being, which was soon accused of being irrational and inhumane. This disillusionment strikes the modern reader, particularly in the writings of G. Babeuf and the documents of 1870 of the Paris commune.

Historical criticism of capitalism began, the most logically ordered expression of it in Marxist theory. Out of this criticism was born "real socialism" in central-eastern Europe. Some manifestations of this again were accused of being irrational and inhumane.

It must be firmly emphasized that we are standing on a threshold of history which features scientifically armed man's becoming involved in the structure of nature, both that surrounding us and that which is the social nature of man. Along with the onset of this irreversible intervention into the structure of matter which is biologically unorganized (nucleonics, prospects for the power of annihilation) and organized (genetic engineering), we stand on the threshold of an era of conscious intervention into our socioeconomic structures and of purposefully changing them. The issues therefore have a broad civilizational dimension rather than merely an economic one.

In this connection we must learn to have a more relativistic attitude towards structures to which are emotions are so easily attached. We must learn to observe crisis without political and ideological emotions, that is, we must live through them and the development of disorders in large and small socioeconomic structures. We must learn to look directly at an economic crisis as at a crisis in structures which have failed to meet the social requirements imposed on them and not indirectly at them as through a mirror in which the structural crisis is reflected ideologically and personally (at one time I used the analogy of replacing the warrior's sword with the surgeon's scalpel).

Although at first glance it may not appear so important, the consistent awareness that the essence of our crisis is the disorder of the structures which are not some sort of fetish, structures which people created and only people can change, I consider to be the indispensable initial condition to having any great discussion on the economic reform make any sense. What today in Poland we are calling "the economic reform" we called after 1956 "the search for a new economic model of socialism." It is nothing other than looking for the right economic structures for a society which has irreversibly entered onto

the path of consciously shaping their relations in the direction of the ideal of humanistic rationalism. The history of socialism in Poland, especially during the past few years, has created particular circumstances for understanding the complicated, dramatic relationships which other people cannot understand and created because of them the social conditions for a constructive program of action.

The logical context presented above for the relations between the goals and structure of a socialist economy is clouded by the historical context, which for some minds is the only observable context.

The common doctrine at first in the socialist movement was that of immediately getting rid of a commodity-money economy. This found practical application during the period of military communism in Russia, but was later recognized to be a mistake by Lenin himself,<sup>13</sup> but Lenin never got to theoretically work out the problematics of the structure of the socialist economy. Of all his later statements, intuitively I feel his most profound one to be that no law can be used to force the economy. Let me cite here the following four ideas:

1. Instruments of direct control, that is, normative means, are limited in the effectiveness of their operation;<sup>14</sup>
2. There is no logical justification for confining control of the socialist economy to administrative methods of control;
3. If the economy is not monocentrally controlled, then it develops spontaneously, it is controlled polycentrally;
4. Monocentric control may evoke results that involve both positive synergy, that is, it may expand the effectiveness of materials, energy, and financing, and negative synergy, as expressed in the disintegration and stifling of the economic processes.

It should come as no surprise that the situation evolved the well-known way. No experience was available. At the same time the whole conceptual machinery concerning economics was encumbered with negative value systems, dread and mistrust of any manifestation, real or imagined, of "bourgeois psychology," "psychology of the small owner," and so on. Efforts were made to create something altogether different, on the basis of enthusiasm and faith in ideals. Thus at the end of the 1920's, during the implementation of the first five-year plan (carried out in 1929-1932), antimarket concepts prevailed in the Soviet Union. The market was equated with boom fluctuations, while the plan was identified with direct administrative methods of steering the national economy.<sup>15</sup> In connection with the growth of the cult of the individual, "later" there are authoritarian compulsory interpretations of economic problems presented by political leaders (especially Stalin), interpretations stemming from practical economic decisions made by the state. Dating from the times of "military communism," the conviction that the plan and the market are opposed to one another is now expressed in equating economic planning with the centralization of economic decisions.<sup>16</sup>

Today we are already in a position from the viewpoint of the effectiveness of controlling the economy to assess both the old structure we had up to 1981 and the current structure of the transition period. The limits of this article, of course, mean that this assessment will not be exhaustive or fully documented but will only contain within a few points that which is most important from the viewpoint of the postulate of the effectiveness of control, that is, how the structure functions.

1. The economy is unwieldy and cannot be entirely controlled. An essential condition to steerability is that the process of steering be observable. The architects of the old structure tacitly assumed that the structure provided for being observable or if there is no such provision then this is because the employees of the economic machinery lack the skill or will to see that there is.

The ineffectiveness of the administrative control system has many different aspects, and the matter is too complex to explain properly in an article. For example, one of the aspects is the system's inflexibility as seen, for example, in the inability to absorb its own innovative potential or in what are called "crop disasters," which, despite the misleading name, are not a property of nature but an expression of the rigidity of an administratively controlled economic system.

2. Disintegration of the economic system. Not to be entirely controllable is equivalent to the development of various forms of economic spontaneity, because it is not true that the administrative system excluded competitiveness or self-steering. It excluded forms of self-steering and competitiveness (the very word was prohibited) in keeping with the goals of the system, but it was not able to block the development of those phenomena contrary to the goals of the system, which seems to be a paradox. I sometimes heard economists say that even if we keep the law of value from operating openly it will operate anyway in spite of us.

The problematics of economic disintegration is extremely broad and dynamic. Owing to the absence of adequate sources it will probably never be satisfactorily developed economically, sociologically, and criminologically. Until recently another roadblock to such elaboration was censorship, which treated the problematics of disintegration as politically shameful.

Disintegration of the economy can be described in the most synthetic manner in the categories of the stratification and decline of subsystems into partly closed enclaves. The remaining nonofficial currents of the economy can be conventionally called the underground economy. Here we should distinguish between at least three currents:

The unofficial current, expressed in the duplication of language and separation into "official" and "private" and in the creation of a sort of plant egocentrism, which consists of counterposing "the interests of the plant," considered as something foggy and distant, to the general national interest of the economy and identification of the former with "the interest of socialism" properly conceived. In this way a psychosociological interpretive filter

for all the central administration. This makes the old content permanent in "new" form and creates among other things the famous process of the "laundering" of central decisions.

Informal current, located on the border between legality and illegality.<sup>17</sup> In practice nobody knew what in this current of phenomena was legal and what was illegal. We find here, for example, the priority investments of the 1970's "excluding" all economic legislation. In his addresses in 1971 printed in TRYBUNA LUDU E. Gierek himself called for breaking regulations if they stood in the way of attaining economic results. Here we should also include saving bankrupt enterprises at the cost of healthy ones, which was accomplished through various forms of reorganization and through mediation and the inflation or reduction of the value of services.

The illegal current, or underground economy, in the criminological sense.<sup>18</sup>

The disintegration of the economic system had many aspects and changes its form over the course of the years. The monetary system was the first victim. Money was divided up into assets in circulation, investment, person, nonpersonnel, foreign-exchange, and so on. The disintegration of the monetary system weakened money or deprived it of the function as a measure of value, which meant that prices became fiction. This got to the point, for example, where the state farms made a profit off damage from rodents or rot, because this authorized them to sell that grain to the distillery, which paid a higher price.<sup>19</sup> We should conduct in-depth studies based, for example, on the full set of penal and income documents in economic cases, to see at least part of the picture of the black market in raw materials and partly finished products, illegal production, and illegal cash and commodity turnovers. Without such a picture we have an unrealistic impression of the economy within the framework of the old structure.

We have generally come to simplify the problem by absolutizing the criminological aspects of the underground economy and do not notice the strata of human drama, the heroic stratum out of which it developed. After all there is a broader dimension to the issue. The socialist economy has been killed from the top with "legal" instructions and directives. In trying to break or get around these directives using operations which were not entirely legal, directors and management personnel have struggled to keep the economy alive, sometimes with dedication and a disinterested posture that are awe-inspiring.

3. Appearances of economic activity. What is called apparent action, which J. Lutynski analyzed, is a link between official life and the underground elements of the economy and the camouflage surrounding the latter. This included not only report-keeping but probably just about all the areas of social and economic life without exception. "All these action were performed for show, ceremonial actions at least in terms of their direct meaning, actions serving as a pretext for other actions, some of them to keep things safe, some provocative, and even some actions which were simply ineffective, and if you look on the outside, the view of the results did not depart from the model adopted."<sup>20</sup>



4. Ineffectiveness of the economy. Misleading appearances of action have meant the loss of the criterion of the economic effectiveness of management, and the sole criterion for action has become submission to the authority of superiors for personal benefits. This is why prominent figures large and small continually have society paying for hamlets of descendants built up for them containing a synthesis of apparent action in them, which for understandable reason J. Lutynski did not mention. Under such conditions no novel action could be profitable. On the contrary, any novelty was bound to give rise to conflict with the structure's shop-display dummies. It paid to stagnate, even at the cost of waste in the economy. Any real effectiveness was replaced with complying with the instructions that had been imposed. As the operating effectiveness of the enterprise ceased to have significance, the stimulation of this activity through subsidies (official and hidden) and foreign credit gained importance, but these latter factors introduced an added component of risk, especially in connection with price changes in the West caused by changes in the business situation. The diagrams below (1 and 2) show in a simplified manner the way the meat economy collapsed.<sup>21</sup>

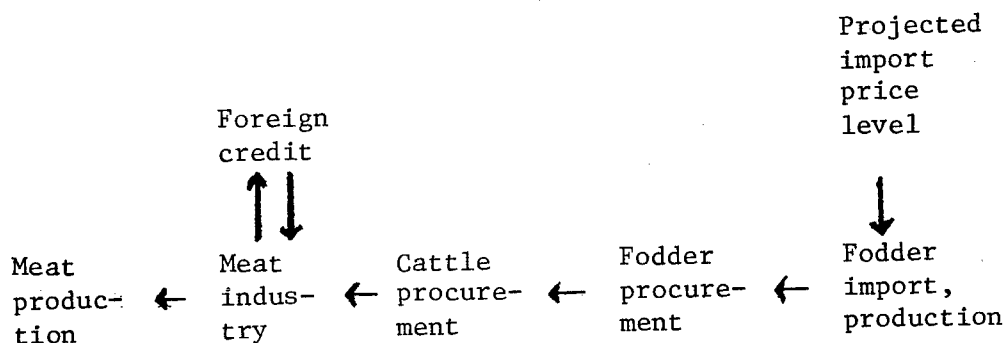


Diagram 1

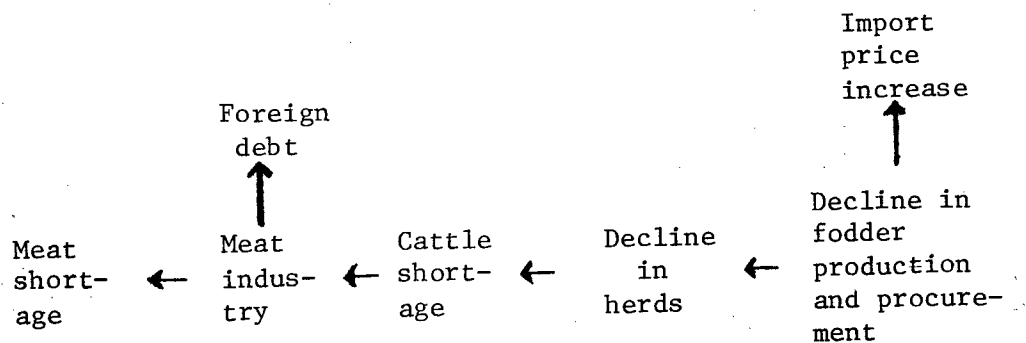


Diagram 2

A system of economic recession set in. It was made up largely of growing technological backwardness. The neglect encompassed all branches of the national economy with very few exceptions. The medicine prescribed in the form of licenses bought not only failed to provide the anticipated effect but became an added burden on the national economy. One measure of this backwardness was, for example, the increase in the economy's material- and energy-consumption index, which in the period from 1975 to 1981 alone (that is, the period of technological modernization) increased from 55 percent to 60 percent, while the corresponding world indices dropped during this same period.<sup>22</sup> Added to this were the economically unjustified destruction of local industry and parts of its infrastructure.

5. Faulty decision-making system. The usually incompetent, lie-ridden, delayed information for decision-making created a specific "fire-fighting" style of decision-making: hasty action leading to repercussions, which had to be eliminated using additional regulatory decisions. A special terminology was even created: these jumps from one extreme to the other were called "turning on" and "turning off." This deprived all economic personnel of any sense of stability and led to a climate of temporary situations and uncertainty as to the ground rules or rather a conviction that no such rules existed. This system was used as the subject of parodies in economic journalism.<sup>23</sup>

It is a difficult task to attempt to assess the extent to which the present economy in the transition stage has departed from the picture above. I do not have all the information at hand. Therefore I can only take a sample, and I do not know how representative my sample is. Therefore I am making the following remarks to the reader with the reservation that this is not a model analysis of the economy during the period of transition but rather merely a modest working outline to show what remains to be settled.

The fact is that despite statements in "The Directions of the Economic Reform," economic ministries and monopolistic industrial giants that are typical products of the old structure have remained. They have additionally been given price-setting authority, and according to textbook concepts they have even become a potential source of inflation.<sup>24</sup> Opinions have been stated that without "demonopolization" we cannot expect the economic reform to be successful.<sup>25</sup>

One breakthrough in the previous structure has been the introduction of a new element, that of foreign capital enterprises, popularly called "Polonia companies." The appearance of this new factor has significance beyond the economic effects, like supplementing the pool of attractive commodities on the market and drawing off skilled labor.

In the cooperatives the reform is being impeded by the old bureaucratized trade-union structures which have not been disturbed by the new cooperatives law, and the situation is stepping up the symptoms of a producer's market, often through the abuse of price-setting authority.

Under these conditions the system remains incessantly inflexible, as the new "crop disaster" in 1983 showed. Conditions were not provided for unimpeded

procurement and administration of honey, fruits, and grain (refusal of pick-ups or creation of hours-long lines in front of procurement centers).<sup>26</sup>

The problem of reconstructing the monetary system, which is related to the price system is still an open problem, but at least now one can talk about it publicly.<sup>27</sup> Restoring to money its function of a uniform standard of value is a condition sine qua non to bring reality back to economic theory under the conditions of an open economy, which every modern economy is. This leads to the postulate for convertibility of currency, and a condition to convertibility is the stability of the value of money, as a component to the economy's ability to function. Unfortunately this perspective gets further and further away from us as inflation increases.

The elimination of certain administrative restrictions from the economic processes, popularly called the program of the three S's, undoubtedly represents a step in the direction of economic reintegration, but there have appeared new snares to cash and material turnover, new market enclaves which are the specific product of the crisis bolstered by the growing foreign debt and U.S. restrictions. They are the market of foreign-exchange deductions and the market of supply materials.

The market of foreign-exchange deductions came into being as the result of giving enterprises the freedom to handle their own foreign-exchange deductions. This created a special situation in which foreign-exchange write-offs become noncash money in internal turnover of supplies. "The dollar surcharge exists alongside prices in the currency used in Poland. There are also instances where the producer demands a return on the foreign-exchange deposit for a commodity which never had anything to do with any imported parts. It is difficult to determine the extent of these practices, because both the supplier and the customer hide the fact. It is not surprising, because this action is not in keeping with the regulations, but limited supply dictates it."<sup>28</sup>

Being a product of the reform, the market of deductions for foreign exchange operates in opposition to the old structure, encouraging export. As one of the directors puts it, "foreign exchange replaces the hard-money policy and creates an incentive for export production."<sup>29</sup>

The main view is that the old tax system discouraged export production and that exportation is based solely on foreign exchange deductions.<sup>30</sup>

The benefits of this new form of self-regulation, unfortunately, are imperfect. No coordinated system has yet been devised to maximize the synergetic effect on the level of the whole system. It is an individualistic grabbing of dollars for oneself.

Insofar as foreign exchange deductions are reflected in bank accounts, the supply materials market shows no trace of information. The materials appear fictitiously in distribution records to serve as a noncash means of payment. Therefore the operation cannot be comprehended in written records. The cash value of the materials exchanged plays no role. The real exchange value is determined by the situation in a given branch's supply materiel. This is a special sort of ratio balancing supply and demand.

These last two examples prove how careful we must be in assessing economic regulation instruments. Determining what is favorable and what is negative, what "helps" and what "hinders," if the assessment is to be reliable, must be relativized to the group of goals (value, priority, function of the goal) represented. Melchior Wankowicz was not the first journalist to show the paradox that criminal corruption was one of the motives for overcoming bureaucracy and for economic development in the United States during the 19th Century. Nobody yet has managed to work out a comprehensive socioeconomic analysis of the phenomenon of what we call tourist import in the period between 1975 and 1980, although it is an open secret that pre-September Poland repaid part of its foreign debts in gold and convertible currency brought into Poland by our millions of tourists. In this article I should like to challenge theoretical economists, historians, and sociologists to include in their field of vision that part of the economic iceberg below water, beyond our official field of vision and treated so long as nonexistent. It has now been possible to draw back this curtain of silence, although not everyone is aware of this yet. Research on the subcutaneous currents of the economy would be a nice step forward in development of the economic theory of socialism, because it would help increase the extent to which economic processes are observable, which is a condition to improving the economy.

During the past 20 years in the literature on the sociology and theory of management in the West there have appeared from time to time voices of surprise that organizational systems created by man fight to endure and defend themselves with the tenacity of living organisms. From the viewpoint of logic of the operational systems the law of the self-preservation of systems which encompass all control systems without exception is expressed in this. Therefore it is banal to say that in the situation of a beginning reform we should expect signs that the old economic structure is defending itself. This point of view makes it possible to detect at least three strategies of the old structure.

Someone once described one basic strategy in a graphic, rather vulgar way: "The economic reform is the equivalent of the principle that the one who produces at greatest cost gets a bonus for waste out of the pocket of the customer."<sup>31</sup> In many enterprises wages have been increased to the maximum and been calculated as a component of costs tacked on to the price.

Up above I said that in such solutions we see the self-preserving action of the old structure, but it would be absurd to equate this with some sort of conscious agreement among individual or group decision-makers. As elements of the social and economic structure we all operate like Spinoza's "rock thrown by the hand of man," who "when he could think would think that he is flying by his own will." The failure of the first attack by the economic reform on the old structure quickly penetrated public opinion and decision-making circles, who regrouped for a second strike. At the moment that I am writing these words (October 1983) a second offensive is just reaching the defended walls. In this moment it is difficult to say what results will come from the changes in the tax system and the FAZ, especially the latter, which includes provision for a host of exceptions based on casuistry.

Despite the difficulties we have described, within the centrum there is an understanding of the necessity of transforming the producer's market into a consumer's market. At the moment one can count the instances of such transformation on one hand, but such cases are beginning to occur. How is the old structure reacting when the market becomes saturated with a given product and production continued unchanged becomes unprofitable? Then the plant is closed, production is suspended, or people count on a state subsidy (since foreign credit does not come into play here).

The old structure's self-defense is not limited to the energy and materials sphere. It also enters the psychological sphere, the sphere of decision-makers' motivation, suggesting ideas of an autarchic economy, the limiting of the scope of technological import and savings as the newest economic doctrine, because it carefully avoids the questions "How much does it cost?" and "Is it profitable?" According to estimates by the Institute of Foreign Trade Prices and Market Outlook (IKiCHZ), given certain simplified assumptions the road of national autarchy would lead us by 1990 to a decline in gross national income to half the level achieved in 1980 while the debt would increase to just about one-third above the level of national income obtained.<sup>32</sup>

With savings it is similar. Savings have a cost. The enterprises represent multidimensionally related elements of the system of the national economy just as national economies do in the world economy. If one component saves, it does so at the cost of the systems milieu, at the cost of changing some ratios in the system's mutual relations. When quality is reduced or easier assortments of items are selected for production, the customer faces added costs and losses. If savings are not made at the system level but at the level of a component of the system, such savings are antisynergic and bring losses at the system level. Overall, the diagnosis is not a pleasant one, and may be summed up in the following five points:

1. Technical backwardness is maintained and decapitalization of national assets becomes worse. For example, in metallurgy our underdevelopment can be measured by the fact that one ton of imported goods costs 3-4 tons of our own.<sup>33</sup>

2. Waste continues, and the extent of materials- and energy-consumption in the economy becomes worse. It is estimated that excessive consumption of spare parts, sheet metal and fuel in motor transport is about 30 percent higher than average foreign indices, and machines last two to ten times longer abroad.<sup>34</sup>

3. All this has an adverse effect on the food economy.

4. Exports decline, particularly those to payments area II, a fact which cannot be explained away altogether by U.S. restrictions, because the quality of goods also declines.<sup>35</sup>

5. It is therefore understandable that in this situation there is a decline in production innovation and that inventiveness drops.<sup>36</sup>

To maintain the components of the old structure means to maintain the old situation in the sphere of decision-making and management. The system's instability resulting from the overlapping of domestic and international conditions has perhaps reached an even higher level, as is noticeable first of all in the field.

It is difficult to deny that the picture presented above in such disturbing terms is a departure from the schemes of wishful thinking we have traditionally adopted. This justifies the reflection about whether we are taking the right path to our goal, whether we are making adequate distinctions between the goals and the methods, and whether we are using methods that are appropriate for the goals.

#### FOOTNOTES

1. "Aber von Menschen wissen wir nichts" (Robots, Men, and Minds), Econ Verlag, Wien, 19.
2. The limits of the article format force the author to refer the reader to meager explanations contained in a previous article in GOSPODARKA PLANOWA, 1983, No 12. A comprehensive work on this subject is in preparation.
3. L. von Bertalanffy is the first chronologically and one of the first authors of the general theory of systems.
4. Z. Zulawski. "Bogactwo, wolnosc, i moralnosc. Poprawki ekonomiczno-spoleczne" [Riches, Freedom, and Morality. Socioeconomic Corrections]. Krakow, Czytelnik, 1947, pp 233-234.
5. W. Jermakowicz. "W spirali reform" [In the Spiral of the Reform], PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 21, pp 18-21.
6. K. Ciosk. "Jakie argumenty?" [What sort of arguments?], PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 34, p 29.
7. E.F. Schumacher. "Small is Beautiful. A Study of Economics as if People Mattered." Abacus, 1973, pp 43, 140, 171.
8. J.K. Galbraith. "Ekonomia a cele spoleczne" [Economics and Social Goals], Warsaw, PWN, 1979, p 85.
9. J. Robinson. "Herezje ekonomiczne" [Economic heresies]. Warsaw, PWE, 1973, pp 214-215.
10. E.F. Schumacher. "Das Ende unserer Epoche. Reden und Aufsätze." Rowohlt, 1980, pp 133-135.
11. S. Ossowski. "Struktura klasowa w spolecznej swiadomosci" [Class structure in social awareness]. Lodz, Ossolinskich, 1957, p 169.

12. O. Lange. "Istota socjalizmu" [The essence of socialism], PROBLEMY, 1980, No 10, p 10.
13. Z. Romanow. "Mechanizm rynkowy i prawo wartosci w gospodarce socjalistycznej -- ewolucja pogladow" [Market mechanism and the law of value in a socialist economy -- evolution of views], RUCH PRAWNICZY EKONOMICZNY I SOCJOLOGICZNY, 1980, No 2, pp 166-167.
14. The logic of social systems of action distinguishes among the following types of such limitations: perceptual, epistemological, structural, materials-energy, and psychosociological.
15. Z. Romanow. Op cit, p 172.
16. Ibidem, 173.
17. K. Daszkiewicz. "Na pograniczu prawa" [On the border of the law], NOWE DROGI, 1978, No 10, pp 111-123, and "Kamuflaze" [Camouflage], ZYCIE PARTII, 1980, No 6, pp 32-24.
18. K. Daszkiewicz. "Klimaty bezprawia" [Climates of lawlessness]. Warsaw, Ksiazka i Wiedza, 1971.
19. PRZEGLAD TECHNICZNY-INNOWACJE 1983, No 7, p 2.
20. J. Lutynski. "Dzialania pozorne" [Apparent action], KULTURA I SPOLECZENSTWO, 1977, No 2, p 69.
21. Drawn up on the basis on the article: J. Boczynski, K. Karnicka. "Kompleks zywnosciowy" [Food complex], PRZEGLAD TECHNICZNY-INNOWACJE, 1981, No 12.
22. PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 24, p 4.
23. R. Bicanic. "Jak nie rozwijac kraju" [How not to develop the country], PRZEGLAD TECHNICZNY-INNOWACJE, 1982, No 3, pp 32-35.
24. J. Pajestka, K. Secomski. "Doskonalenie planowania i funkcjonowania gospodarki w PRL" [Upgrading economic functioning and planning in Poland]. Warsaw, PWE, 1968.
25. K. Podstawka. "Zaklete rewiry runku" [Those Damned Market Beats], ZYCIE GOSPODARCZE, 1983, No 32, p 12; A. Goral. "Nieliniowy system stochastyczny" [Nonlinear stochastic system], PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 32, pp 11-12.
26. PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 37, p 5, and No 38, p 5.
27. S. Polaczek. "Umocnienie roli pieniadza a rozwoj gospodarki -- monetarna strategia rozwoju" [Bolstering the role of money and development of the economy -- the monetary strategy of development], GOSPODARKA PLANOWA, 1983, No 4, pp 149-155.

28. A. Walewski. "Wyscig o dolara" [The race for the dollar], PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 32, pp 24-25.
29. Ibidem.
30. PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 21, pp 11, 17.
31. PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 7, p 3.
32. M. Paszynski. "Granice i koszty 'reorientacji'" [Limits and costs of 'reorientation'], PRZEGLAD TECHNICZNY-INNOWACJE, 1982, No 2, p 38; similarly Op cit, No 33, pp 14-15.
33. PRZEGLAD TECHNICZNY-INNOWACJE, 1833, No 328, pp 12-13.
34. Ibidem, pp 4-5.
35. PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 25, p 5.
36. M. Kuklinski. "Raport o prawie wynalazczym" [Report on inventions law], PRZEGLAD TECHNICZNY-INNOWACJE, 1983, No 34, p 3.

10790

CSO: 2600/1141



FINANCE MINISTER DISCUSSES PROSPECTS FOR IMF MEMBERSHIP

Warsaw RZECZPOSPOLITA in Polish 4 Sep 84 pp 1,2

[Text] In an interview with Polish television, Finance Minister Stanislaw Nieckarz discussed issues concerning the International Monetary Fund. Here are the main themes of the discussion:

--The declaration of the U. S. Government gradually to cancel sanctions on Poland as regards secondary economic matters has been followed by a great deal of American propaganda. However, we value even this small step positively. The principal matter with regard to sanctions concerns financial and economic relations. One of these matters is the International Monetary Fund. Up to now, the U. S. Government has taken a decidedly negative view, tying our membership in the IMF to political conditions. The U. S. Government also ties its support of our membership in the IMF to the implementation of amnesty as called for by the Sejm.

I wish to state strongly now that we shall not take IMF membership if our membership is tied to the political conditions set by any other state.

We must remember that our membership in the IMF and World Bank should be treated as favorable by those countries holding our debts as well as from the viewpoint of Poland's own interests. We cannot forget that despite their strong influence in the IMF, the United States will not make the sole decision regarding our membership. This decision will be made through discussions between Poland and IMF authorities.

--There exists a connection between our payments situation and IMF membership. The Polish Government will honor its international obligations, including financial ones. We are implementing this principle through the conclusion of four successive agreements with the commercial banks, which will fulfill our obligations. This proves that if political interests do not enter the picture, then mutually profitable understandings can take place. Our debt of \$26 billion sooner or later will have to be paid. This is the nature of debt. It is only important that the payments be realistic for our economy and that they be treated in the perspective of our economic development and increased exports. In this spirit we are conducting and will conduct discussions on extending the payments guaranteed by the Western governments. But this cannot be a one-sided "normalization" where Poland pays her debts

but her partners make development difficult for the country and treat her worse than other countries in similar debt situations. We cannot agree to that. Our partners have to recognize that economic damage to our country through external political decisions only makes it more difficult for us to meet our debt service to them.

If we do not achieve agreement and normalization today, then tomorrow's conditions will be more difficult than yesterday's.

--The benefits of IMF membership can be both direct and indirect. The indirect benefits include our country's increased credibility within the international financial-banking environment. This will improve our credit rating, especially among the commercial banks. Poland's membership in the IMF would restore the balance in Poland's balance of payments and reduce our debt service.

The direct benefits include the possibility of taking advantage of long-term credits granted by the IMF, carrying lower interest rates than those offered by commercial banks or governmental institutions, and the possibility of obtaining international funds through special withdrawal rights (SDR).

Membership in the World Bank will allow us to obtain special conditions for long-term credits for enterprise investment, especially in mining, power engineering, transportation and agriculture.

I wish to emphasize, however, that we cannot expect a "rain of dollars" from the IMF nor freedom from our obligation to repay our creditors. We should have no illusions about this.

--At present, Poland does not belong to the IMF, but despite the wide range of our problems, we are implementing plans to improve the economy. We have initiated economic reform, reduced inflation, arranged a system of prices and wages, gradually reduced subsidies and increased the means by which to guide the economy. Of course, we shall not agree with all of the recommendations put forward by the IMF. On the other hand, this means that not all of our programs will have IMF approval. We are not going to have easy discussions on these matters, but we are not afraid of these discussions. In no way can this process lead to reduced sovereignty for our country during the introduction of socioeconomic programs.

--Through its statutes--adopted in 1945 with a Polish delegation present--the IMF has become the way of evolution and universal organization. There are now 143 member countries, including capitalist countries, developing countries and also socialist countries like Hungary, Romania, Yugoslavia and the People's Republic of China. This is why the IMF must take into consideration the differences among countries, which are often substantial, as well as the level of development or the sociopolitical system. The same will apply to us, after we achieve IMF membership.

--Given the pluses and minuses, we are proceeding with negotiations for membership in the IMF and World Bank. Given the last few years, we have a moral right to expect the most developed Western countries--already IMF members--to support us in the IMF, even as partial compensation for the economic losses we have suffered as a result of their policies toward Poland.

# NEW CHURCH CONSTRUCTION DEEMED AS ENCROACHMENT

Warsaw ARGUMENTY in Polish No 33, 12 Aug 84 p 15

[Article by (j.n.): "New Places of Worship"]

[Text] The Roman Catholic Church is the one institution in Poland which is not discouraged by the well-known universal difficulties in implementing new investments. Quite the contrary, especially now, when investments already begun are being blocked, when every new investment is being considered with a great deal of deliberation, the diocesan chanceries and parishes have acquired a range of investment without precedent in our history.

The number of Catholic churches and chapels is calculated at something over 12,500. Of these, more than 3,000 have been built since the war (some were rebuilt from scratch). The dynamics of this construction have been extremely varied. Initially quite a number of places of worship were built and rebuilt, while later, in the climate of tension in church-state relations, religious construction was limited. However, by 1970 altogether 1,357 churches and chapels had been built and rebuilt from scratch. Later the dynamics of this construction were intensified, and the curve of the construction of new sacred buildings rose immensely. From 1971 to 1975 administrative authorities issued 320 permits to erect new places of worship, but from 1976 to 1980 there were as many as 1,712 permits issued. During the next 3 years (1981-1983) church institutions received another 854 permits, 545 of them to construct buildings with an area larger than 600 square meters (which requires permits from the central authorities) and 309 for buildings with smaller areas (for which permits are issued by local authorities, even at the gmina level).

Everyone can see the extent of construction of church establishments with the naked eye, since the walls of newly erected churches are visible at every turn. Several new places of worship are seen in every district of the capital itself. Nearly 1,500 sacred buildings are currently in various stages of construction.

Someone might say that this is good, that soon we shall really have a second Poland, a religious one, and this really has nothing to do with the secular press. That person would be right if this involved only the efforts of the church itself and, to a certain degree, the sacrifices of the Catholics at

whose expense the churches rise. But actually every new permit to construct any building, not only sacred ones, entails allotments of regulated structural materials in short supply which, if they are used here, cannot be used elsewhere. If only the spirit of self-sacrifice could be aroused with some of the enthusiasm of the churches, which are able to inspire it, for the construction of other public buildings, of hospitals which we need so much and in which the church is present through its pastoral service, and of other no less important institutional buildings, along with the construction of buildings to satisfy the religious needs of believers and various other church institution needs!

However, the crux of the matter is not only the extent of construction, but also its nature. The churches existing at present remind us of the older ones from the appearance of just a few elements, namely the place of worship, sacristies, etc. However, behind these they have a large number of accommodations which no one would have dreamed of planning in an architectural draft in the past. The purposes they may serve can be inferred, for example, on the basis of an article by Halina Wistuba, "On the Planning of New Churches," printed in POSLANIEC WARMINSKI (No 15). This matter was discussed during a seminar which took place in June of this year in Warsaw, organized by the Main Administration of the Association of Polish Architects (SARP) with the Section of Architecture of Sacred Buildings of the Warsaw Division under the patronage of the Polish Episcopal Commission on Church Construction. The subject of the seminar was "Architecture of Sacred Buildings--Parish Center." The subjects of the reports are worthy of mention: "The Church and Parish Center in the Place of Christian Worship," "The Role of the Parish Center in the Urban Environment," "Culture as the Expression of Christian Life," "European Quests for the Parish Center Form," "Parish Organization--Needs and Requirements," and "Function and Space Assumptions of the Parish Center." The speakers were accredited architects and clergymen.

The interest of the architects is understandable. The more of these buildings to be erected, the greater the chances of achievement. This is not limited to material profits. Even in planning the architect has opportunities to emerge, to escape the limits of the large plates and the developed standards, even with residential and service construction costs held to the minimum. No other institution today is able to give him this opportunity on such a scale. On the other hand, this interest cannot help being reinforced in view of the multipurpose nature of the new sacred buildings. They go far beyond the bounds of conducting religious services. They are already assumed to be the center of culture in a given parish. This can be clearly seen from the article by H. Wistuba which says, characterizing the seminar: "Both in the reports and in the discussions it was emphasized that the parish center should have suitable catechetical rooms and multifunctional accommodations in addition to the church building, residences and administrative quarters. One and the same room can be used as a chapel, a catechetical room, a theater or movie hall, and also as a place for music groups to practice. Attention was called to the fact that, alongside rigid construction, flexible construction is used more and more, where a variable system of accommodations can be formed as needed by moving walls."

Once the parish was the agency and place of organizing religious life. Other functions of life in a given community were assumed by institutions established for them, such as theaters, movies, music centers, sports clubs, educational institutions, etc. At present the fate of many of these establishments is extremely uncertain because of self-financing. Often the prospects for factory, community and rural houses of culture are not clear. But life abhors a vacuum, and we can be sure that, wherever the activity of non-religious establishments is frozen, religious ones will take their places. Even if they survive alongside them--parallel, complementing and even competing with them--will be the stream of cultural life flowing in the new churches, and this stream cannot help being religious. It is enough that there has been definite political coloring in some churches, as there is now....

Once (at the Third PZPR Congress) Wladyslaw Gomulka said that the state, the party, does not want war with the church, but that the church must remain in the church and limit itself to church matters. This was provoked by the integrational aims of the church hierarchy. Today, somewhat paradoxically, the church need not leave the church in order to be involved with matters of a religious [sic] nature. Actually, the new style of sacred construction is subordinated to this idea. This is worth remembering, but it is particularly necessary to be aware of the cultural offerings of the church, offerings which far exceed the bounds of religious offerings.

6806

CSO: 2600/1167

DAILY CITES PRIMATE GLEMP ON REDUCED TENSION

LD271502 Warsaw PAP in English 1416 GMT 27 Aug 84

[Text] Warsaw, August 27--In his homily at a pontifical mass at the Jasna Gora shrine yesterday, devoted to Virgin Mary of Czestochowa and attended by numerous archbishops, bishops, clergy, and the faithful, Poland's primate Cardinal Jozef Glemp referred to the current situation in the country, stressing that over the past few years the Polish nation had experienced moments of immense and dangerous tensions, ZYCIE WARSZAWY reported today.

"It proved possible to fulfill numerous postulates, put forward at the time also by the church. There is still a lot to be done," said Primate Glemp among other things, "But tension is on the decrease, and the hotbed of hatred dies out."

"A new situation emerges, requiring, also on the part of the clergy, not so much ad hoc activities as systematic work on perfecting human morale, said Primate Glemp."

"Recalling that the Episcopate had called on the faithful to regard August as a month of sobriety, Cardinal Glemp stated that what mattered in this case was not merely one month without alcohol. 'What is important, is to rid the nation of the weakness which shatters human dignity'," ZYCIE reported quoting the primate's homily.

"In the final part of his homily Primate Glemp referred both to the social accords signed four years ago, and to the 45th anniversary of the Nazi Germany's aggression on Poland 'which, just like a raging typhoon ruined the arranged order, destroyed property and killed people', and stressed once again that Poland had suffered too many losses to waste her achievements and strength on internal unrest," ZYCIE WARSZAWY said in conclusion.

CSO: 2600/1285

SOCIALIST YOUTH UNION ELECTS NEW CHAIRMAN

LD022057 Warsaw Domestic Service in Polish 1700 GMT 2 Sep 84

[Text] The tasks of the Union of Socialist Polish Youth [ZSMP] in the sphere of education and professional training of young people are the subject of the 16th plenary meeting of the ZSMP Main Board taking place in Warsaw. Representatives of the PZPR Central Committee, the ZSL Supreme Committee, and the SD Central Committee have been invited to attend the meeting together with deputies, young councillors and guests from some branches of our economy. A special program which defines the directions of the ZSMP activities among schoolchildren has been worked out.

The plenum also made changes in the composition of the ZSMP Main Board. Jerzy Jaskiernia, chairman of the Main Board, in connection with earlier appointment as the Patriotic Movement for National Rebirth general secretary, and Wieslaw Osuchowski, deputy chairman of the ZSMP Main Board in connection with his departure to work in the state apparatus, were released at their own request.

Jerzy Szmajdzinski, hitherto a secretary of the Main Board, has been elected as the new chairman of the ZSMP Main Board.

CSO: 2600/1286

SIWICKI SPEAKS AT NAVAL GRADUATION CEREMONY

AU200831 Warsaw ZOLNIERZ WOLNOSCI in Polish 17 Sep 84 p 2

[Speech by General of Arms Florian Siwicki, minister of national defense, at graduation ceremony of naval officers on board the naval flagship Warszawa in Gdansk on 16 September]

[Text] Esteemed citizens, newly promoted officers of the Navy, veterans of soldierly duty toward the fatherland, seamen! Today's ceremonious action, which we are all experiencing so deeply, is an important event in the lives of graduates and of the Armed Forces. For it means that the Navy and our Armed Forces have gained a fresh detachment of deeply ideological and thoroughly trained leaders and instructors, men who are strong with patriotic fervor and youthful energy.

The patriotic content of today's ceremony is enriched by the taking of the military oath by our youngest comrades-in-arms: the first-year students of the Higher Naval School. The presentation of a standard by cadres from military units on the coast to the Voivodship Administration of the Union of Former Professional Soldiers in Gdansk gives today's ceremony a certain historic atmosphere.

Today, in this historic place, three generations are standing in closed ranks and in military unison: The first-year seamen; newly promoted officers; and veterans of dedicated battle, service, and work for the fatherland. That is how the relay of soldierly generations runs through Polish history. From their sincere dedication to the nation's cause and from their joint activity stems the effective, defensive strength and incontestible security of our fatherland, ensuring a better tomorrow for it!

The act of promotion is being performed today at a place and time of particularly meaningful symbolism. It is here, in Westerplatte, Oksywa, and Hel, that the first death-dealing shells of World War II were fired 45 years ago.

The Polish soldier, supported by society's unbreakable will, stood bravely in defense of the nation's independence and organic existence. He fought an unequal battle against the Nazi invader. He did not manage to meet the task. The mistaken foreign policy of the government of the time plus the country's economic weakness meant that the task was impossible. But the soldier did



not falter! He did not lack manhood, patriotic dedication, and the will to fight. He displayed supreme soldierly characteristics during the September battles. He has permanently recorded in the praiseworthy history of the country and in the annals of his military glory the names of places and the symbols of heroism such as Westerplatte, Warsaw, Hel, Bzura, Oksywa, Wizna, and Kock. The ships of the Polish Republic Orzel, Garland, and Blysawica are permanent models for dedicated naval service to the fatherland.

Polish military formations, which during the war of liberation developed into the fourth largest military force among the forces of the anti-Hitler coalition in terms of numerical strength, fought on all the fronts of World War II and glorified the name of the Polish soldier.

The armed actions of the soldier of the people, fighting against fascist Germany in alliance with the heroic Soviet Army, brought special glory to the Polish military effort. Born out of the people's deep patriotism and its firm will to fight the invader, and out of the inspiration and organizational effort of the Polish leftwing, the Polish People's Army, whose first great formations emerged on Soviet territory, went through the only combat path in our history--starting in central Russia and reaching to the center of Berlin, Elbe River, and Mielnik.

Thanks to this, a great act of historical justice was possible in May 1945. We returned to the Odra and Nysa Rivers and to the Baltic. We returned not to a short stretch of coastline, but to a wide front--from Frombork, the city of Copernicus, to Swinoujscie; from Polish Gdansk to Polish Szczecin. We are standing firm here and we will remain for good!

During the 40 years of People's Poland, we have made permanent contributions to our maritime zone by means of great cities and ports, Polish shipyards known all over the world, modern factories, eminent scientific centers, and important cultural institutions.

But the May victory also incorporates experiences that show that the supreme value of mankind is peace.

It is with great unease that we observe the development of the international situation. It is becoming extremely tense. The threat of war is growing dangerously through the fault of world imperialism, in particular, through the fault of the confrontational-adventurist policy of the United States. The Washington administration is forcing through on an unprecedented scale an arms race not only on land, sea, and air, but also in space.

Already there are new and particularly dangerous American missiles with nuclear warheads on launching sites in West Europe. Only a few minutes of flying time separate them from our cities and villages, shipyards, factories, and mines, all of which have been rebuilt with such labor.

NATO's forcing of armaments does not serve the preservation of peace. On the contrary, these armaments are aimed at the continuity of peace, at our security, and at our right to live.

Slogans calling for a revision of the results of World War II, especially of the political-territorial order in Europe, and dealing with the so-called German problem, are now being put forward quite openly in the FRG, with the support of official government elements. These slogans also strike at peace in Europe and at Poland's security. They express a tendency by revanchist forces to erase the agreements which have guaranteed Poland its present borders and secure position in Europe. Our war effort was also aimed at achieving these borders and this position. This is also the result of the Soviet Union's firm support for our historic title to the territory on the Odra and Nysa rivers and on the Baltic.

The lessons of history, and in particular the dramatic experiences of World War II, make us unable to remain indifferent toward the growing avalanche of dangers if we bear in mind national and state interests. We are undertaking, and will undertake, firm action which strengthens our national and coalitional system of security.

Comrades Graduates! On this historic day I congratulate you sincerely on the successful completion of your studies, and wish you all the best during your dedicated service for Poland, for its armed forces and navy, on behalf of Army General Wojciech Jaruzelski, PZPR Central Committee first secretary and chief of the PPR armed forces.

I myself join in these sincere congratulations and warm wishes with great satisfaction.

I warmly welcome you to the officer corps, dear young friends, and to a family of professional soldiers of the Polish People's Army that is good and well disposed toward you.

You are commencing your new duties full of youthful fervor and naval romanticism. You belong to a generation that will serve the fatherland on the threshold of the next century. Therefore, young comrades-in-arms, we expect you to seek new and increasingly effective methods of leadership and training, to suit the requirements of the times.

Society is placing under our command a considerable section of its young people--the greatest national asset. It is the duty of all of us to ensure that military service is a good school of citizens education, so that they gain from it a patriotic love for the fatherland and a feeling of faith in their people and in socialist Poland.

Let your training work be accompanied by the historically documented conviction that our defense duties toward the nation can be performed by us most effectively if we consolidate the unity and strength of the socialist defense alliance--the Warsaw Pact. Therefore, increase the internationalist awareness of seamen and develop brotherhood-in-arms with our closest ally--the Soviet Union--and with all the armed forces in our defense alliance.

A fundamental part of your work will comprise the training of your subordinates and the shaping of their ability to stand the most severe test. You will, therefore, have a task bearing exceptional responsibility. I am convinced that, thanks to the profound knowledge you have gained at the school and will gain during further service, you will perform this task in an exemplary way. Protect our supreme interests during this service, but also keep sight of human beings--your subordinates. Combine high, scholarly, and cultural fastidiousness with warm kindness and sincere care for your subordinates. Treat them as younger colleagues, as comrades-in-arms. For we all serve the same cause--our nation!

I turn with particular warmth to the parents of the officers who have been promoted today. I share your joy and satisfaction, and at the same time please accept my thanks for your work in their upbringing, and for imparting to your sons the necessary values to make them serve socialist Poland the best way.

I thank the commanding officers, training cadres, and civilian employees for their effort in training and shaping the next batch of officers--graduates of the Higher Naval School.

I greet the new officer cadets of the Higher Naval School, as well as all seamen. I wish you fruitful study and success during your honorable naval service.

I wish our unchangingly faithful comrades-in-arms, the former professional soldiers, much health and success in their social work. Your dedicated struggle, service, and work for the general good and for socialist Poland deserve the highest respect.

I sincerely thank our hosts in the triple city and in the Gdansk Voivodship, the political and administrative authorities, scientific institutions and organizations, factories, and society for the kindness they have shown toward the naval college, for the various ties and cooperation they have maintained with it, and for their joint activity in shaping the country's defense capability.

We will be seeing you, dear young friends, on board ships and inside military units during the energetic and dedicated performance of the responsible tasks awaiting you. I wish you a successful start to your officer careers, and luck as military men. I sincerely hope that you fulfill your professional and personal plans in life.

CSO: 2600/1283

## ROMANIA

### NEED FOR NUCLEAR-FREE BALKANS STRESSED

Bucharest ERA SOCIALISTA in Romanian No 15, 10 Aug 84 pp 24-27

[Article by Dr Nicolae Iordache: "Conversion of the Balkans Into a Zone of Collaboration and Peace Without Nuclear Weapons as a Major Aim of Romanian Foreign Policy"]

[Text] Nicolae Ceausescu said, "We favor and are making every effort on behalf of development of collaboration in the Balkans and conversion of the Balkans to a nuclear-free zone with no foreign military bases."

In the course of the four decades since the Antifascist and Anti-imperialist Revolution for Social and National Liberation and particularly in the innovating period inaugurated by the Ninth Party Congress, Romania has emerged as a dynamic presence in the discussion and resolution of the most burning questions of international affairs and especially preservation of the peoples' peace, disarmament and nuclear disarmament in particular. Accordingly the RCP, the state and President Nicolae Ceausescu have been emphasizing the formation of zones of peace, collaboration and security, with no nuclear weapons nor any foreign military bases, in the Balkans and also in other regions of Europe and on other continents.

Romania's proposals and suggestions as well as all its actions and those of its president in this direction are closely integrated in socialist Romania's policy of securing disarmament, especially nuclear, and world peace and security. At the national party congresses and conferences in the last 19 years, in the conversations and meetings with chiefs of state and government, in various international forums, in all of Romania's foreign political activity, and especially in the course of building security and cooperation in Europe, on every occasion Nicolae Ceausescu has made new, useful and widely esteemed contributions to the encouragement and stimulation of the process of forming a zone of peace and good will in the Balkans area. The president of Romania continually emphasizes the necessity of taking more definite steps to form a nuclear-free zone in the Balkans with no foreign military bases and to convert the Balkans into a region of peaceful collaboration.

There are important objective reasons for Romania's special emphasis on the Balkan region. It is well known that over the years the strategic importance of

the region made its domination and subordination one of the major aims of the great empires' struggle for mastery of Europe and the world. The Balkans were not known as "the powder keg of Europe" because the peoples there had an aggressive spirit, but because the great powers' interests violently conflicted there to the point of wars.

Nor have the Balkans lost their political-strategic importance now. It has increased especially in the present highly complex and contradictory international climate, charged with tensions and conflicts, when the armaments race and especially the nuclear one are escalating without precedent, the United States is beginning to install medium-range rockets in some West European countries, and the Soviet Union is resorting to retaliatory measures as a result, aggravating the danger of a nuclear conflict on our continent to an extreme.

The RCP and Romania feel that in view of the serious situation in Europe every effort must be made so that the Balkan area will no longer be a potential source of conflicts and wars but will fully contribute to security and peace, to resolution of the serious international discord, to resumption of the policy of détente, and to the development of new international relations based on confidence and collaboration. The proposals of Romania and President Nicolae Ceausescu to make the Balkans a nuclear-free zone of peace and collaboration, with no foreign military bases, are in full accord with that aim.

In stating Romania's position at the Helsinki Conference. President Nicolae Ceausescu pointed out that Romania "consistently advocates formation of good-neighbor zones of good will in Europe and accordingly the conversion of the Balkans into a zone of collaboration and peace, as an integral part of strengthened security on the continent." In pursuance of Nicolae Ceausescu's valuable directions and guidance, the Romanian representatives at the general European or Balkan meetings have actively promoted the idea of bilateral and multilateral collaboration in the Balkans, and in other areas of the continent as well, pointing out the political significance and practical value of making the Balkans a good-neighbor zone of peace, confidence and collaboration free of nuclear weapons and foreign military bases and troops.

Romania has also played a very active part in the UN Organization where, as we know, it has initiated discussion and adoption of resolutions for regional good-neighbor collaboration as components of international cooperation and security. The UN General Assembly adopted the resolutions entitled "Regional Programs to Improve Good-Neighbor Relations Among European States Belonging to Different Social-Political Systems" and "Development and Consolidation of Good-Neighbor Relations Among States."

The evolution of international relations proves that the peace and security of every people and every country to a great extent depend upon the state of its relations with its neighbors. Lengthy coexistence of neighboring peoples has created traditional ties of friendship and collaboration, which are characteristic and predominant factors for good understanding, but it has also given rise to problems which, in the absence of any immediate just and fair solution, have led to states of tension and conflict that have sometimes turned into military confrontations. The present international situation is characterized by such states of tension and conflict because of manifestations of the policy of force

and interference in the states' internal affairs, aggravation of the armaments race and of the contradictions among states and groups of states, and failure to resolve some vital problems of international relations.

Institution, maintenance and development of good neighbor relations can help considerably to strengthen international security and peace, to prevent new conflicts from arising, and to resolve all problems appearing in international relations peacefully by negotiation. The great political, economic and social changes as well as the scientific and technical advances which contemporary society has experienced and which have made the nations more interdependent than ever before are lending a new dimension to good-neighbor relations, cultivation of which can help to strengthen national sovereignty and independence and contribute to observance of the other fundamental principles of international law and to the solution of the major problems facing the world of today.

While good-neighbor relations can have such effects upon consolidation of security and development of international, global collaboration, they are all the more significant and evident on the regional and subregional levels, within a smaller area where the countries and peoples have coexisted and continue to do so in a close interdependence. The Balkan area provides just such a subregional framework wherein the development of collaboration and friendship has deep roots and serves both the vital interests of all the peoples in that area and the interests of peace and cooperation in Europe and the world.

Establishing such relations was essential to the independence, freedom, security and progress of the countries in that area of Europe. History has often placed those states in positions of confrontation, with very bad effects upon their progress, whereas their periods of collaboration, mutual assistance and solidarity have greatly aided their national and social emancipation. The very lessons of history have taught the Balkan peoples, who were often divided and used in the past by the imperialist powers as pawns in their policy of domination and aggression, that their vital interests depend upon establishing good-neighbor relations of good will, peace and collaboration in that part of the world. While their historical development has inspired the Balkan peoples with common aspirations and ideals in their struggles with the invaders for national and social liberation, state unity and independence, under the present circumstances especially defense and consolidation of peace and development of collaboration on the basis of mutual esteem and respect objectively constitute a common cause of all the countries in that area.

It is important to promotion of peace and collaboration among the states of the region that their good will and cooperation be based upon what unites them and that priority not be given to the problems that separate them. Besides the traditions of friendship and collaboration the past has also bequeathed some unresolved problems whose solution requires patience, understanding, good will and a favorable climate. In Romania's view the Balkan countries like all states must be constantly motivated in their relations by mutual esteem and respect regardless of their social and economic systems or their affiliation with any military alliance or bloc. Romania believes that development of collaboration in the Balkan region must be based upon the will of the countries in that area to avoid tensions and conflicts in their relations and to take due care not to aggravate the existing problems and to solve them solely by peaceful means. The

existence and especially the persistence of conflicts among the Balkan countries could create conditions and serve as a pretext for interventions and outside interference in the respective states' internal and external affairs.

The fundamental principles of international law and the standards generally accepted by the states composing the present international system are the legal basis of peaceful collaboration in the Balkans as well. Therefore the relations of good will and cooperation among the Balkan states must be squarely based upon strict observance of the principles of national sovereignty and independence, full equality of rights, abstention from use or threat of force, peaceful settlement of any disputes, noninterference in other states' internal affairs, the peoples' right to self-determination, cooperation and mutual benefit, and fulfillment in good faith of obligations assumed in compliance with contemporary international law.

The material content of the relations of peaceful collaboration established in the Balkans clearly depends upon development of Balkan cooperation on the basis of mutual benefit. Therefore any action or step in the direction of eliminating the barriers and restrictions that obstruct collaboration, expanding trade exchanges and economic cooperation, and promoting cultural and educational exchanges is an active contribution to the formation of a zone of collaboration and security.

Accordingly in Romania's view development of collaboration in the Balkans is not only a necessity but also a vital point in the policy of making the Balkans a nuclear-free zone of peace, confidence and cooperation with no foreign military bases or troops.

Romania feels that conclusion of treaties, accords, conventions and other legal instruments to place Balkan cooperation on security and in the political, economic, cultural, technical, scientific and other fields on a contractual basis can be an important way of establishing lasting relations of collaboration and peace among the Balkan countries.

Romania's efforts to form a nuclear-free zone of peace and collaboration in the Balkans reached a new and qualitatively higher level in the period inaugurated by the historic Ninth Party Congress.

Nicolae Ceausescu's meetings and conversations with chiefs of state and government in the Balkan area have been and are of vital importance in promoting Romania's policy of making the Balkans a zone of peace and cooperation. They permit intensive exchanges of views on the international situation and that in the Balkans in order to find ways to enable the Balkan countries to make an effective contribution to the policy of detente, understanding, mutual respect and cooperation. Nicolae Ceausescu's visits, the high-level contacts and conversations, and the accords and agreements concluded on those occasions are brilliant contributions to promotion of the new principles of international relations, to the productive, mutually advantageous development of multilateral collaboration, and to consolidation of peace.

In developing friendship and collaboration with the socialist countries and especially the neighboring ones and consistently promoting a liberal international

policy and collaboration with all states regardless of social order and based on new, democratic standards, Romania maintains friendly collaboration with all the Balkan states, enabling it to take effective action to expand collaboration and strengthen peace in that part of Europe. Romania bases these relations firmly on the principles of contemporary international law.

While expanding and intensifying its bilateral relations with the countries in the area, Romania plays an active part in multilateral Balkan collaboration, which takes various forms and is constantly developing on both the governmental and nongovernmental levels.

On the nongovernmental level, multilateral Balkan collaboration covers a wide range of activities in the fields of medicine, mathematics, archeology, history, linguistics, ethnography, folklore, town planning, architecture, music, literature, film production, tourism etc. These numerous and varied activities are presented at congresses, colloquia, roundtables, scientific meetings, traveling exhibitions, competitions, festivals, Balkaniads etc, in which Romania plays an active part and organizes and hosts such demonstrations itself.

In time nongovernmental multilateral Balkan collaboration became permanent in some fields, leading to the formation of such bodies and institutions as the Balkan Medical Union, the Balkan Mathematicians Union, the Carpatho-Balkan Geologic Association, the International Association of Southeast European Studies, the Conference of Architects in the Balkan Countries, the Permanent Conference of Engineers in Southeast Europe, etc. Bulgaria, Greece, Yugoslavia and Turkey have regularly participated in these nongovernmental activities alongside Romania, and Albania has also joined in some forms of collaboration, especially in the fields of culture, scientific research and sports. In general all these activities have shown good results, being important means to mutual acquaintance and preparation of projects of common interest as well as factors for greater confidence, friendship and cooperation among the Balkan peoples.

The forms of governmental multilateral Balkan collaboration are more recent and have begun with a more limited range of activities.

Economic cooperation among the Balkan countries has an important place in their multilateral collaboration.

In the present highly complex international situation, combined efforts on the regional and subregional levels can serve as a useful means of resolving some economic problems of the countries directly involved as well as those of other states. Therefore multilateral economic cooperation among the Balkan countries, which have different structures and levels of economic development, has become not only an urgent question but also an objective necessity. International experience shows that the policy of long-term economic cooperation among the countries in a given area is an important factor for each state's more rapid economic development. Moreover subregional economic cooperation can help to raise the economic potential of the respective area as a whole, opening up new possibilities for creating economic capacities on the basis of the advantages of the division of labor and specialization.

The meeting for multilateral economic and technical cooperation among the Balkan states held in Athens in 1976 specified those advantages and opened up new



prospects for multilateral Balkan collaboration on the governmental level, extending it to such important fields as industry, trade, agriculture, transportation, communications and telecommunications, energy, the environment and public health. The meetings of experts held later in Ankara, Sofia, Bucharest and Belgrade examined the specifics of cooperation in various economic sectors and succeeded in determining fields and objectives of primary interest for cooperation among the Balkan countries as well as ways and means of making that cooperation effective. The ideas, suggestions, recommendations and conclusions advanced on those occasions must be developed and implemented in the course of further meetings by organizing new sectorial meetings of experts, seminars, roundtables etc. in the fields discussed at the previous meetings.

Other actions have also been taken for inter-Balkan economic cooperation on the multilateral governmental level. Annual conferences of the tourism organs in the Balkan countries were organized in the last period, and 1983 was declared the "Balkan Tourism Year." There was a meeting of representatives of the associations of travel agencies and automobile clubs in the Balkan countries. The Committee on Coordinating the Plan to Connect the Power Transmission Networks in the Balkan Countries, meeting annually by rotation among the countries of the area, was founded in 1975 with the support of the UN Economic Commission for Europe.

Romania has actively participated in the proceedings of the Balkan meetings to develop multilateral Balkan economic cooperation and has made many suggestions, including the formation of some bodies to help stimulate economic exchanges and cooperation. Romania believes that the possibilities of multilateral Balkan cooperation are now insufficiently used and we must begin to collaborate more closely on the economic level, forming a body for that purpose that will help to develop the exchanges and to organize cooperation in production. The Balkan countries' national economies have shown major progress in the last few decades, but there are still great economic gaps between the states in the area and most other European countries. Those gaps could have been narrowed and closed if better use had been made of the possibilities and advantages of Balkan economic cooperation.

Moreover there are possibilities that should also be better used to secure unrestricted circulation of technical and scientific information. In Romania's view it would be especially necessary to form a committee on development of technical-scientific cooperation and collaboration in the Balkans.

The Balkan countries, by virtue of the policy they promote as well as their economic potentials, have great possibilities for cooperation on third markets and especially in the developing countries. In view of those factors Romania has expressed its interest in participating in the Balkan countries' cooperation with the developing countries, on a bilateral or multilateral basis and on mutually advantageous terms.

In Romania's view bilateral relations and multilateral cooperation among the Balkan countries has the additional advantage of a mutually favorable effect upon inter-Balkan relations. Therefore Romania attaches due importance both to development of bilateral relations and to continuation and diversification of the forms of multilateral cooperation among all states in the area. Therefore the

experience acquired in bilateral and multilateral Balkan collaboration, both governmental and nongovernmental, must be applied in order to continue a mutually advantageous collaboration.

Like bilateral cooperation, the Balkan countries' multilateral collaboration is not opposed to the interests of any state or group of states. It is not intended to form groups in the area or to isolate the Balkan countries from others. Consequently the continuation and development of multilateral Balkan cooperation cannot raise questions or cause concern to other states. On the contrary, as an integral part of and a specific action to implement the process of strengthening confidence and security and developing cooperation on the continent, the Balkan countries' multilateral collaboration is an effective contribution to construction of a united Europe wherein the peoples can live in independence and peace as good neighbors.

The Balkan peoples cannot live in peace and cooperation as good neighbors unless the nuclear threat is eliminated from the area, Europe and the world. But that requires new efforts, and the right political climate must be prepared. Denuclearization of the Balkans is a comprehensive, responsible action of great political significance not only for the countries of the region but also for the peace and security of the continent. It is entirely possible, and of course its accomplishment requires definite actions and a continuing dialogue for better understanding and examination of the positions and for acceptance of effective measures that will lead progressively, but as soon as possible, to the set goal.

To this end the president of Romania, Nicolae Ceausescu, has suggested organizing a high-level meeting of the Balkan states to consider points concerning new steps to resolve some existing problems, to develop confidence, good-neighbor relations and cooperation on many levels, and to make the Balkans a nuclear-free zone. Such a meeting, which of course must be thoroughly prepared, would be a constructive act for the entire continent and for the effort toward disarmament and peace in Europe and the world. It would mark, to be sure, not the end of the process but the beginning of effective actions for multilateral cooperation in various fields, leading to the objective of making the Balkans a zone of peace and friendly collaboration and a denuclearized zone.

In Romania's view formation of such a zone in the Balkans, enabling every country in the region to devote all its efforts to economic and social progress in peace and quiet, is possible in the course of a dialogue of all the Balkan states. This dialogue will be able to evolve through organization of successive Balkan meetings of experts and later of ministers.

The meeting in Athens in January-February 1984 laid the foundation for this dialogue. Romania offered to host the next Balkan meeting of experts, on the governmental level, in order to secure and maintain the dialogue begun in Athens. A meeting of the Balkan countries' ministers of foreign affairs could precede and prepare for the meeting of the chiefs of state or government in the region.

Formation in the Balkans of a zone of peace, good-neighbor relations, collaboration and friendship, free of nuclear weapons and foreign troops and military bases as Romania has suggested, would not only serve as an example to other regions but would also eloquently prove that it is possible, under complex geopolitical and strategic conditions, to have good will, cooperation and progress on

the path marked out at Helsinki, on the highest level, by the representatives of the 35 states engaged in building security and developing cooperation in Europe.

The Romanian people are deeply interested in cooperating actively in the future too with all the other Balkan peoples in order to bring about a lasting climate of confidence, collaboration, good-neighbor relations and peace in this region where they live, on behalf of strengthened peace and international security, resumption of the policy of detente and settlement of all international problems by peaceful means, and advancement of the cause of national sovereignty and independence.

5186

CSO: 2700/257

ZAGREB JOURNALIST OBJECTS TO CONDEMNATION OF PETITIONS

Belgrade DUGA in Serbo-Croatian No 272, 28 Jul 84 p 8

[Letter from Slaven Letica: "Petitions as a Bogeyman"]

[Text] (Our constitutions guarantee the right to present a petition)

Petitions are gradually becoming a taboo subject. Certain specific petitions are making it more difficult to speak publicly about petitions as an institution. It is only through this circumstance that I think one can explain the refusal of the editorial office of the Zagreb VJESNIK to publish the attached "letter to the editor."

As the "letter" speaks about the general problems associated with the right of citizens of Yugoslavia to write letters and petitions to the "authorities," I request that you publish this letter, which VJESNIK did not want to publish for "general" reasons.

The Sunday VJESNIK of 24 July 1984 published an article by Branko Vlahovic, "Who Writes Petitions," with a subtitle "Foreign Sidetracks," which -- since it is quite unclear in its main positions and messages -- may cause confusion among the public. Specifically, it is not clear what the author is disputing: the petition as a political-legal institution, certain specific petitions (unfortunately, he does not acquaint us with their content), or the political and human motives and interests of the people who usually write the petitions (whom he insultingly calls "petitioners"). Since this is an extremely important "ambiguity," please publish this commentary as a reaction from a reader and a public worker who does not write or sign petitions (primarily because he still has the opportunity to publish his theoretical and political positions in the so-called public information media -- without major interference from editors).

Using several pejorative terms that by now have become stereotyped, such as "petitioners," "the ideological fathers of petitions," "the ringleaders of the petitioners," and so forth, the author of the article "produces" animosity on the part of the reading public not only with respect to specific people and petitions, but also against the petition as an institution (and all possible authors and signers). Someone could say that he is producing an "atmosphere of hostile expectations." This, of course, is the main weakness

of the article. In fact, the right to petition is one of the basic constitutional rights of all civilized states, especially democratic ones, the "ideological fathers" of which lived a couple of thousand years ago.

The usual content of the term petition is well defined by the following definition: "Petition (Latin *petitio*), gen. appeal, entreaty, request, demand; especially a collective appeal on the part of citizens directed to state organs, usually the highest state authority, with a request that they carry out some legislative reform, prevent illegal actions and abuses of authority by lower organs, etc." ("Encyclopedia of the Lexicographic Institute," vol 5, pp 114-115)

The SFRY Constitution and the constitutions of the republics guarantee in separate articles the right to an appeal-petition: "A citizen has the right to submit appeals and proposals to the bodies and organs of the sociopolitical communities and to other competent organs and organizations, the right to receive an answer to them (underlined by S. L.), and the right to undertake political and other initiatives of general interest" (article 157 of the SFRY Constitution, article 233 of the Croatian Constitution, etc.). Thus, the right to present an appeal-petition, no matter whether individual or collective, is an inalienable constitutional right of every citizen of Yugoslavia. Unfortunately, for a long time now, very responsible sociopolitical workers have forgotten this and spoken of petitions and "petitioners" with underestimation and contempt. Accordingly, the "organs" to which the appeals are sent usually elegantly ignore their own constitutional obligation to give the authors of the petitions answers to their questions -- which are often not quite pleasant and proper (the constitution, in fact, clearly states that "a citizen has a right ... to receive an answer" to proposals and appeals sent to the "organs"). I moreover believe that commentaries like "Who Writes Petitions" cannot be considered to be "responsible."

As for the authors, signers, and content of the petitions, it is likewise important to state that the constitutions do not impose any (!) restrictions with respect to the authors, content, motives, interests, etc, of the and the "petitioners." Thus, this right cannot be denied either to "old revolutionaries" (as Branko Vlahovic calls them), "anarcholiberals," "members of the LC," or anyone else. This naturally does not mean that the requests and proposals of all petitions and "petitioners" are morally justified, reasonable, politically acceptable, and progressive. But it also does not mean the reverse -- that all requests and proposals are foolish, unacceptable, and immoral. And that precisely what Branko Vlahovic wants to suggest.

A good way, and perhaps the best, to discuss the ethics and political advisability of petitions and "petitioners" is public dissemination and critical analysis of them. The practice of public dissemination and criticism of a petition would very quickly reduce the popularity of such "literature" in Yugoslavia and abroad; it would also eliminate the "strictly confidential" veil of secrecy...hearsay information.

At any rate, an a priori positive attitude on the part of political organs with respect to anonymous petitions and letters, and a a priori negative attitude with respect to "authorized" petitions, likewise indicates something about the system of values that people want to impose on the public and on society.

The article "Who Writes Petitions," even with the best of wills on the part of the author and the reader, cannot be read except as a summation against petitions, as a demand for the abolition of a very important constitutional civil right; a demand not based on any arguments, and a demand that can have unpleasant consequences.

9909

CSO: 2800/480

## PATHS, FATE OF KOSOVO 'IRREDENTISTS' TRACED

## Backgrounds of Arrestees

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pp 10-11

[Article by Milos Misovic: "Portrait of the Irredenta"]

[Text] The occasion for our concern with this issue at a time which is not a suitable one for subtle analyses has been furnished by two facts. First, a series of trials of 58 members of various organizations and groups which joined together in order to carry out hostile acts against socialist Yugoslavia and its revolutionary achievements were held once again this summer in Pristina and certain other cities of Kosovo.

The second and more immediate pretext was provided by the recent statements of certain Kosovo leaders to the effect that about 1,000 persons have faced criminal charges in the drive against the Albanian irredentists, and twice as many have received penalties for misdemeanors.

Since those overall figures say quite a bit by virtue of their very size, but do not explain who was tried and how the various sentences were pronounced, we tried, insofar as is possible in a newspaper article, to portray the Kosovo counterrevolution viewed through what has been recorded in the indictments raised against 883 persons and sentences which have become final against 585 persons who were convicted.

## Who Is Among the Irredentists

The Yugoslav legislator made provision for a whole range of political offenses. However, during the counterrevolutionary events in Kosovo and thereafter all the forms of criminal acts provided for have been invoked. Nevertheless, among the 10 or so legally defined forms of hostile activity, the following have been particularly distinguished:

"Counterrevolutionary threat of the social system," punishable under Article 114 of the Yugoslav Criminal Code, and

"Association to carry out hostile activity," punishable under the provisions of Article 136 of the same code.

According to the precise analysis which the provincial public prosecutor's office submitted as part of its regular annual reports to the competent chamber of the Assembly of SAP [Socialist Autonomous Province] Kosovo, between 1 January 1981 and 30 June 1984 883 persons in the province were charged with political crimes of one sort or another. Broken down into annual "installments," this number looks like this:

In 1981 300 persons were charged. There were 290 Albanians among them and 3 Serbs and Montenegrins;

In 1982 indictments were brought against 244 persons, while the Serbian and Muslim nationalities each accounted for 2 cases;

In 1983 the number of persons charged dropped to 175, but the ethnic proportion was maintained, along with the 73 Albanians there were 2 members of the Serbian nationality who were charged.

Judging by the number of persons charged in the first 6 months of this year--162 Albanians and 2 Serbs, which is nearly equal to the number of those charged in all of last year, it might be said that after a very short breathing space, the Irredenta has intensified its activity. The provincial public prosecutor, Tomislav Cucurevic, however, feels that that observation would not correspond to the actual state of affairs, since the increased number of indictments has resulted from more effective work in detecting groups engaged in hostile activity. But, however that may be, the figure does provide sufficient occasion for serious reflections.

University and secondary students, of whom there were 392 in all, make up the most numerous group among the persons charged. However, that figure, although in and of itself it speaks rather clearly, takes on its true dimension only when we add to it the group defined in the judicial nomenclature as "educated people," a group comprising 141 persons. This group is important not only because of the crimes with which it was charged, but also because various misunderstandings have broken out concerning it.

#### Where the Irredentists Were Recruited

Referring again to the 883 persons charged with political crimes, 533, or 65 percent, were secondary or university students or educated people, among the latter the most numerous were professors, teachers and instructors, so that it is not difficult to guess where the young irredentists were recruited and at what springs they drank in their spiritual information and received their ideological orientation. Probably one could also find in that figure the explanation of why political differentiation at Pristina University and in other educational and scientific institutions in the province has been going slowly and very painfully.

The composition of the other persons charged, who include 68 farmers and 282 members of other social categories: blue-collar workers, white-collar workers, craftsmen and tradesmen, technicians, and so on, only confirms the rather widespread opinion that these categories have played a less important role in the plans and actions of the Irredenta up to this point.



In order to provide easier understanding of what we will be talking about later, it is worth stating what people were accused of. According to the analysis of the provincial public prosecutor's office, the most numerous group consists of those charged with the crime of association for the sake of hostile activity. In this period 343 persons were indicted on that basis. When that number is divided by the years, it can be concluded that the intensity of this type of hostile activity in Kosovo has fluctuated, but that it has not essentially diminished. Whereas in 1981 there were 91 persons charged and indicted on this basis, the next year the number of these offenders increased to 111, and then it dropped to 68 in 1983. But in the first 6 months of this year the public prosecutor's offices in the province have indicted 73 persons for that type of hostile activity.

In second place are those guilty of counterrevolutionary threat to the social system. That description covered those who participated and engaged in public expression in the 1981 demonstrations. Indictments for that type of crime were brought against 155 persons. Most of those were charged in 1981--a total of 122 persons, which is understandable, since in that year the Irredenta undertook its counterrevolutionary assaults on several occasions.

#### Figures Which Contain a Warning

But the further we have moved on from those events, the fewer there have been of such offenders. Thus in 1981 there were 25 persons charged on that basis, in 1983 there were 8, and in the first 6 months of this year only 3 persons.

However logical it is for this category of indictments to diminish with time, it is equally illogical, and also disturbing, that the number of persons charged with the crime of association for the sake of hostile activity has been increasing. In view of the time which has passed since the counterrevolutionary events and the actions undertaken in order to stabilize the political-security situation in the province, it seems to us that the datum which shows that in the first 6 months of this year there were more persons charged with this type of political crime than in all of last year should be taken as a kind of warning.

In the course of the investigation and in certain trials it turned out that some of the groups discovered recently operated in 1981 and indeed even earlier, but there are also those which were formed later, which means that the Irredenta, in spite of all the security measures, has managed to revive some of its underground units. One group of secondary school students, for example, was organized toward the end of last year, and it is symptomatic that quite a few minors are among the groups which have been discovered.

According to the figures of the provincial public prosecutor's office, some minors and young people have been "crossing into Albania in a prohibited manner and coming back from there." One of them tried to create a hostile group upon his return, according to instructions he had received.

Recently there has been a considerable increase in the number of criminal charges and indictments for the crime of "arousing ethnic, racial or religious

enmity, discord or intolerance," which is punishable under Article 134 of the Yugoslav Criminal Code. The number of charges filed for this type of activity has increased from 28 in 1982 to 64 in 1983. The people in the provincial public prosecutor's office feel that this increase is in line with the assessments that "the enemy is operating secretly to a greater degree."

It is stated in that analysis that pressures on Serbs and Montenegrins have also been exerted in organized groups. They told us that the group of minors, which has distinguished itself in destruction of Orthodox churches, has also been involved in writing slogans containing direct threats to Serbs.

It is well known that Albanian nationalists and irredentists were active even before the 1981 demonstrations. One confirmation of this lies in the trials of various groups. However, those who were responsible for evaluating that activity and for taking appropriate measures in good time against those who were doing it seem to have reasoned differently.

By contrast with 1981, during which 365 criminal charges were filed for criminal crimes, and 300 indictments were brought, in the year which preceded the counterrevolutionary events only 16 charges were filed in the field of political crimes.

#### Programmatic Basis

It would be hard to explain without thorough analyses why there was such a lack of interest or such a permissive attitude toward what was prepared at that time. However, it is much more important to an evaluation of the present Kosovo situation and of the political-security stability in the province to examine the kind of conclusions drawn by the authorities whose official duty it was to keep abreast of the activity of the Irredenta and its tactics under the new political conditions. In the document we have referred to the provincial public prosecutor's office had this to say in that connection:

"Both in 1983 and also in 1982 the programmatic basis of hostile activity is almost exclusively Albanian nationalism and irredentism, and within that in particular the presentation of demands for upgrading the constitutional position of the Province of Kosovo to a republic, with the ultimate goal of separation from the SFRY and annexation to Albania. As well as enflaming ethnic enmity toward Serbs and Montenegrins, exerting pressure on them so that they move out, and all of this for the sake of achieving the goal of creating an ethnically pure Kosovo."

That is the political platform of all the organized groups which were discovered and prosecuted in 1983 even when no direct organizational linkage was ascertained between those groups and the most important hostile organizations, such as the "Group of Marxist-Leninists," the "Party of Marxist-Leninist Albanian Communists in Yugoslavia," or the "Movement for an Albanian Socialist Republic in Yugoslavia." In its briefest and roughest outlines that is a group portrait of the Kosovo Irredenta viewed through what the public prosecutor's offices in the province have recorded over 3.5 years.

However, however interesting it might be, it is not complete and sufficient for drawing firm and reliable conclusions. The most essential component is lacking: the view taken by the courts of the acts for which indictments were brought and the level of the penalties pronounced. After all, it is well known that prosecutor's offices and courts, although they rely on the same legal standards, often make differing assessments of individual crimes and their danger to society.

That appears to have been the main reason why certain Kosovo verdicts have been evaluated differently. But we will discuss the verdicts and the differences in the next issue.

#### Outcome of Trials

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pp 10-12

[Article by Milos Misovic: "Justice on Trial"]

[Text] Our article in the last issue sheds light on only one aspect of the counterrevolutionary image of the Albanian Irredenta in Kosovo. For more complete knowledge and understanding not only of its activity, but also of the present political situation in the province there is much greater importance in what came to light during the various trials and in the sentences pronounced, the appeals and the new verdicts, which have become final for 585 of those convicted.

Those who are willing and ready to make thorough analyses of the trials of the Kosovo counterrevolutionaries attribute importance not only to the fact that in a relatively short time proceedings have been brought to a conclusion concerning 585 of the 883 persons charged with activity, as it is today most frequently referred to, "from the positions of Albanian nationalism and irredentism." Another important characteristic of these trials is the fact that there were no verdicts which became final in the first instance. That is, the very fact that every verdict in the first instance was appealed by the public prosecutor's offices or by the accused, and frequently by both raises the question: Why is it that for all practical purposes no one was satisfied with the verdicts and sentences pronounced against the Albanian irredentists in the first instance?

It is no secret at all that there are differing opinions about the trials of the Kosovo counterrevolutionaries and about the sentences pronounced against individual groups. It is no secret that even the judicial institutions in SAP Kosovo look differently upon the penal policy which has been applied since the counterrevolutionary events in 1981. This was also confirmed in a way by the conversations we recently had with leaders of the highest judicial institutions in the province.

## Fluctuations in Penal Policy

When we asked the provincial public prosecutor, Tomislav Cucurevic, to explain why these assessments differed, he categorically refused to do so, although he did not deny that there were certain disagreements. "We have not made an analysis of penal policy for this type of crime," he said. "Let the Supreme Court and competent sociopolitical bodies in the province analyze and evaluate that."

As a matter of fact Cucurevic did say that the provincial public prosecutor's office had begun to prepare an analysis of penal policy, but gave it up. He did not give the reasons why it was given up, but it could be concluded that that kind of analysis was given up because of disagreement in evaluations of the guilt of particular individuals.

One can learn something about the differences the responsible officials are reluctant to talk about from the figures on the appeals. In 1981, say, 271 persons were convicted and received various sentences in the first instance, and the public prosecutor's offices filed only 7 appeals. But it should not be forgotten that those first sentences were pronounced immediately after the demonstrations, in a highly electric political atmosphere which the judicial panels probably were unable to ignore.

It should also be recalled that the SFRY State Presidency also issued the assessment that the first sentences were harsh, since this was a first wave, mainly of young people which the Irredenta had led out into the streets. When this is borne in mind, it is not difficult to understand why the public prosecutor's offices filed appeals that year in only exceptional cases.

The situation changed considerably in 1982, when 215 persons were sentenced by courts in the first instance in the province for political crimes. The district public prosecutor's offices filed 67 appeals against those verdicts, which means that the representatives of the public prosecution were dissatisfied with almost one verdict out of every three. The provincial public prosecutor says that this was the year when there were the most appeals. The appeals were especially frequent against verdicts pronounced in June and July 1982, when well-known groups of educated people were convicted. The most frequent grounds for appeals against verdicts in the first instance were the descriptions of the crimes, but there was also disagreement with the level of the sentences pronounced.

If one is to judge by the number of appeals, the fluctuations in penal policy have continued. The public prosecutor's offices have filed 27 appeals against verdicts in which courts in the first instance pronounced sentences on 176 persons in 1983; mainly the appeals had to do with the severity of the sentence.

In the first 6 months of this year differences in evaluation of individual cases became still more evident. In this period courts in the first instance pronounced verdicts on 132 persons, but the public prosecutor's offices filed 44 appeals against those verdicts. They included 40 appeals against the sentences, from which it is not difficult to conclude that there are appreciable

differences between the public prosecutor's offices and the courts in Kosovo in evaluation of the gravity of the individual crimes and of their danger to society.

This was also expressed in a way in the analysis which the provincial public prosecutor's office sent at the beginning of this year to the Assembly of SAP Kosovo. It stated that "a considerable number of the appeals of public prosecutor's offices of the sentences contained in verdicts had been rejected as unfounded." As an illustration of that attitude the analysis states that in 1983 only 9 appeals of the public prosecutor's offices had been upheld, while 20 were rejected on the grounds that this "certainly has an effect on the decision of public prosecutor's offices concerning the appeal, emphasizing that all the appeals of some public prosecutor's offices had been rejected.

#### The Independence and Responsibility of the Courts

The differences that cropped up in the verdicts in the first instance over evaluation of particular criminal acts might in a certain sense be considered logical, since the verdicts in those cases were pronounced in five district courts whose criteria might differ. However, what is now being talked about quite a bit in Kosovo does not pertain solely to verdicts in the first instance. It might even be said that they are not essential to the reproaches addressed to the highest judicial institutions. But first something about the constitutional status and obligations of the courts.

As in any democratic and legally organized country, the courts in our country are self-sufficient and independent in evaluating crimes and pronouncing sentences. The constitution has guaranteed them independence in performance of their judicial functions and in rendering decisions based on consistent application of the law. However, this does not mean that the courts are not accountable to everyone for their work and their decisions. On the contrary, as bodies of government power they "have the right and duty" to inform the competent assemblies about their work and about the application of law in the rendering of court decisions. In addition, the courts are required to "monitor and study social relations and trends of interest to performance of their functions" and to submit to the appropriate authorities "proposals for preventing socially dangerous and harmful things and for strengthening legality."

How in the light of these constitutional principles and obligations have the Kosovo courts performed their judicial-social function?

From what we were told by Riza Fazlija, the top level of the Kosovo judicial system, the Kosovo Supreme Court, which has been ruling on the guilt of the accused irredentists in the second instance, has no reason to shrink from its rulings. He emphasizes at the same time that the courts have been completely independent in evaluating the individual criminal acts and in sentencing. Certain errors which did occur and which in his opinion were corrected by the decisions in the second instance are the result, he says, of the personnel making up certain courts and of their inability to handle the demands put on them.

Riza Fazlija feels that the criminal panels of the Kosovo Supreme Court, which has been ruling on the appeals, though they had a heavy load, have been able to eliminate striking differences in the severity of sentences for the particular crimes and in reconciling the criteria, in which the aim was "more realistic individualization of sentencing," in view of the degree of danger to society which the crimes presented.

#### Disagreements Over the Educated People

Riza Fazlija, president of the Supreme Court, and judge Acif Tuhina, who presided over the criminal panels in the second instance, kindly allowed us to examine a survey of cases in the field of political crime for which proceedings have become final. This is a very interesting and indicative balance sheet. The figure of 585 persons who have been tried and convicted over the last 3.5 years and whose verdicts have become final after exhaustion of all legal remedies, consists mostly (372 persons) of the intelligentsia: 100 educated people, 184 university students and 88 secondary students.

Survey of Sentences Under Verdicts Which Became Final Between 1 January 1981 and 30 June 1984

<u>Sentences Pronounced</u>	<u>Crimes</u>			
	<u>Grave</u>	<u>Serious</u>	<u>Minor</u>	<u>Total</u>
10-20 years	24	--	--	24
5-10 years	139	4	--	143
3- 5 years	100	31	--	131
1- 3 years	110	122	20	252
Less than 1 year	3	22	7	32
Suspended sentence	<u>1</u>	<u>1</u>	<u>1</u>	<u>3</u>
Total	377	180	28	585

Note: In addition to these sentences, security measures were pronounced against 18 persons (prohibition against performance of an occupation or activity or holding a post). This measure was pronounced mainly against newsmen and teachers.

Among the other 213 persons convicted, 119 were recorded to be workers (the term applies to all those employed in various sectors except the categories given above), 38 were farmers, 14 were craftsmen or tradesmen, and 42 were in the miscellaneous category.

The crimes for which the Albanian irredentists were tried were classified in three categories: grave, serious and minor. In this period 377 persons were sentenced for grave political crimes, 180 were tried for the category of serious crimes, and 28 persons were convicted of minor forms of political crime.

If the counterrevolutionary events in Kosovo are examined through this kind of distribution of crimes, one might say that the evaluation of these events by the courts does not differ essentially from those pronounced on those events

by the courts does not differ essentially from those pronounced on those events by the highest political bodies. However, the severity of the sentences pronounced furnishes a different picture. It is clearly evident from the table that relatively mild sentences were pronounced against most of those accused of grave crimes.

In 210 of the 377 cases of persons convicted of this type of crime the sentences ranged from 1 to 5 years. To be sure, the group of convicted persons whose sentences ranged from 5 to 10 years is also rather sizable (139), and there are 24 persons in the group of those sentenced to not less than 10 and not more than 20 years in prison.

Without a more thorough analysis of the cases which have been closed it would not be possible to say whether the penal policy which the Kosovo Supreme Court has applied in ruling on this type of crime in the second instance was appropriate to the gravity of the acts committed and to their overall danger to society. However, the increasingly outspoken objections to the sentences pronounced and indeed even to certain of the descriptions of the criminal acts which can be heard even in certain judicial institutions contain a warning that the competent sociopolitical bodies ought to examine more thoroughly the balance sheet of the Kosovo trials to date and to evaluate whether penal policy in that balance sheet corresponds to the social danger of the acts committed.

#### Resignation of the President of the Supreme Court

Envisaging that the severity of the sentence for a particular crime could range over an interval of not less than so many and not more than so many days, months or years, the legislator left it to the court itself to evaluate whether a less severe, average or harsher version of the sentence should be adopted in the particular case.

Those who are specialized and responsible for that kind of assessment should ascertain which version the Kosovo courts adopted, especially the criminal panels of the Kosovo Supreme Court in ruling on individual cases in the second instance. The author of this article was not allowed to examine the critical analysis on the operation of the courts and penal policy toward political offenders in Kosovo prepared by the Secretariat for Jurisprudence of the Provincial Executive Council, but he does know that many of the observations made in that analysis have to do with the penal policy of the Supreme Court.

There obviously exist essential differences in evaluation of political crimes in Kosovo. Riza Fazlija, president of the Kosovo Supreme Court, offered his resignation because of the differing evaluations of penal policy. However, the State Presidency of SAP Kosovo felt that he should remain in that post even though he did not agree with the criticism of penal policy.

The counterrevolutionary assaults of the Albanian Irredenta on the constitutional institutions of SAP Kosovo, SR [Socialist Republic] Serbia and the entire country and its stubborn effort not only to maintain the continuity of its activity, but indeed to carry out its fascistoid plans in the foreseeable

future, do not fall among ordinary criminal acts. They are much more than that, as indeed confirmed by the evaluations of those events uttered by the highest sociopolitical bodies in the country. That is why it is both logical and fair that the mildest type of sentence not be applied to crimes committed in the context of such plans.

#### The Assessment and Opinion of the Federal Court

The possibility that the Federal Court might also have its say about the crimes tried under the provisions of Yugoslavia's Criminal Code, since it is the highest judicial institution in the country, does not preclude the need for a more realistic assessment of such crimes and of their adverse effect. Especially since the Federal Court, when such cases, on the basis of the use of exceptional legal remedies, reach its jurisdiction, it is concerned only with whether due process was violated in the specific cases and whether legality was applied detrimentally to the convicted person, without entering into an assessment of the severity of the sentence.

To be sure, in furnishing its general assessment of the work of the courts in the country the Federal Court does have an opportunity to evaluate the penal policy of individual courts. The president of the Kosovo Supreme Court, in expressing his disagreement with certain assessments of penal policy uttered in the province, actually refers to one of those assessments. In a report on its work last year which the Federal Court sent to the Federal Chamber of the SFRY Assembly, the work of judicial authorities in Kosovo was evaluated this way:

"The action of these authorities has been effective and up-to-date (in spite of the unresolved personnel matters and other difficulties they are combating), and penal policy has been within the limits of the law and has been adjusted to the present situation in Kosovo with respect to evaluation of the specific danger of society of the particular criminal acts."

This report has been examined by the Federal Chamber, which judged that the Federal Court and other courts have been committed to combating political crime and that they should continue to work to strengthen constitutionality and legality. However, that kind of routine assessment, which is usually given after examination of annual reports, probably could not have reflected the complexity of the Kosovo situation and the specific nature of political crime in that region. That is why it does not eliminate the need for the competent authorities of the province to examine and evaluate the penal policy of the Kosovo courts in more detail.

That kind of evaluation is necessary not only so that the Kosovo courts and other judicial authorities in the province would reconcile their views and criteria more easily in combating political crime, but also in order to inform the broader public, in which the opinion is rather widespread that the sentences pronounced against the actual participants in the demonstrations were harsh and that those who provided the ideological inspiration for the counter-revolutionary actions, those who have been so far discovered, have gone so to



speak unscathed. One of the examples used to illustrate this is the group of educated people to which the material in the box refers.

#### Social Composition of Persons Sentenced

Educated people	100
University students	184
Secondary students	88
Workers (all employed in various activities)	119
Farmers	38
Craftsmen and tradesmen	14
Miscellaneous	<u>42</u>
Total	585

#### Age-Specific Composition

Between ages 18 and 21	197 persons
Between ages 21 and 25	158 persons
Between ages 25 and 30	97 persons
Between ages 30 and 35	74 persons
Over 35	<u>59 persons</u>
Total	585 persons

#### Varying Criteria

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[Article by Milos Misovic: "Flexible Criteria"]

[Text] The greatest riddle in the Kosovo trials is the group of educated people convicted in the summer of 1982 whose verdict has still not become final.

The attention of the public was drawn to the trial of the group of nine members of the underground organization "Marxist-Leninist Party of Albanians in Yugoslavia," whose spiritual leaders were Halil Alidema, who has an MA in history and is a lecturer in the Department of History of the School of Philosophy (sentenced to 11 years), Uksin Hoti, MA in political science and lecturer in the Department of Political Sociology of the School of Philosophy (sentenced to 9 years) and Ekrem Krieziju, program director of TV Pristina (sentenced to 8 years); one of the reasons for the interest was that its principal participants, until the time of their arrest, had the reputation of being esteemed citizens, prestigious intellectuals and people in whom exceptional confidence was placed.

Uksin Hoti, for example, aside from teaching political sociology at the School of Philosophy, was also deputy secretary for foreign relations of the Executive Council of the Assembly of Kosovo, and Ekrem Krieziju had been commissioned to direct the film and TV series "When Spring Is Late" from the book of Fadilj Hodza.

Individuals in that group, which was believed to have been very close to the ideological center of the counterrevolution, defended themselves in an interesting way in the courtroom. Ekrem Krieziju declared that he was convinced that the League of Communists of Kosovo would bring up the idea of constituting Kosovo as a republic, and it was not clear to him that such an initiative was not officially taken.

The guilt of the accused was proven in the preliminary proceedings and during the trial, and the District Court in Pristina pronounced appropriate sentences on them. However, there followed appeals, and the Kosovo Supreme Court modified the verdict of the District Court by overturning the verdicts of three defendants: Hilmi Ratkoceri, Ali Kruezi and Nazir Halili, and it altered the charge and reduced the sentences for four of them. Thus Halil Alidema, who was first to be charged, had his sentence reduced from 11 years to 7 years, while four others, because the charges were amended (they were found guilty of hostile propaganda instead of counterrevolutionary threat), had sentences shortened considerably. Ekrem Krieziju and Uksin Hoti were sentenced to 3.5 years, Semsu Recica to 2.6 years, and Mentor Kaci to 2 years. The Supreme Court did not find a legal basis for the guilt of the ninth member of the group, Muharem Peti, and his verdict was overturned.

The District Court accepted the opinion of the Supreme Court and in a retrial rendered a verdict with reduced sentences for Halil Alidema, Ekrem Krieziju, Uksin Hoti, Mentor Kaci and Semsu Recica. The verdict was struck down in the case of Hilmi Ratkoceri, Ali Krieziju and Nazir Haliti, since the district public prosecutor, after the ruling of the Supreme Court, withdrew the indictment against them.

That brought the trial of this group to its legal conclusion. All that is left is the evaluation of the Federal Court, which is to ascertain whether there was any procedural violation or erroneous application of the law. But a sizable portion of the public still has the impression that the guilt of the group of intellectuals, whose contribution and support to the plans and actions of the Irredenta were not small, has melted away in the uneven criteria of the judicial authorities in evaluating the guilt of those who did not participate in the demonstrations, but who were pulling the strings from behind deep cover.

That impression has been intensified by the ruling of the Kosovo Supreme Court to overturn the verdict of the Pristina District Court, which last year sentenced Tahir Geci, former newsman and chief of the information service of the Kosovo LC Provincial Committee, to 12 years in prison. This striking figure, through whom the Irredenta made its deepest penetration into lawful institutions and organizations and with whose help and cooperation it managed to learn about the most confidential documents and plans of party and government bodies, will be tried again by the Pristina District Court, since, as explained in the Supreme Court, the first verdict was vacated because of "incomplete determination of the state of the facts" and because of "essential breaches of the provisions of the Law on Criminal Procedure."